

2024.PHHC.069444



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-9149-2024
Date of decision : 15.05.2024

Kuldeep Singh Petitioner

versus

State of Punjab Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Hakam Singh, Advocate
for the petitioner.

Mr. Tarun Aggarwal, Sr. DAG, Punjab.

Complainant in person.

PANKAJ JAIN, J. (Oral)

1. While issuing notice of motion on 29.02.2024, following
order was passed:-

“CRM-8723-2024

This is an application for placing on record
documents marked as Annexures A-1 to A-3.

For the reasons recorded in the application, the
same is allowed.

Documents marked as Annexures A-1 to A-3
are taken on record subject to all just exceptions.

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Apprehending his arrest in FIR No.61 dated
27.07.2023, registered for offences punishable
under Sections 323, 341, 34 of the Indian Penal
Code, 1860 (added later on Sections 307 and 325 of
IPC) at Police Station Kheri Gandian, Patiala, the
petitioner has preferred this petition under Section
438 Cr.P.C. seeking pre-arrest bail.

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Mr. Randeep Singh, Advocate appears and files his power of attorney on behalf of the complainant today in Court, which is taken on record.

Short reply by way of an affidavit of Buta Singh, PPS, DSP, Sub Division Ghanaur, District Patiala has been filed on behalf of respondent/State today in Court, which is taken on record. Copy supplied.

Ld. Counsel for the petitioner *inter alia* contends that there is unexplained delay of more than 2 months in getting the FIR registered.

Adjourned to 30.04.2024.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to his furnishing personal and surety bonds to the satisfaction of the Arresting Officer/Investigating Officer. As and when called, the petitioner shall join the investigation. He shall abide by the conditions enumerated under Section 438(2) of the Cr.P.C.”

2. Status report by way of affidavit of Buta Singh, PPS, Deputy Superintendent of Police, Circle Ghanaur, District Patiala has been filed on behalf of the respondent-State. The same is taken on record.

3. State counsel submits that as per the status report, petitioner has joined the investigation on 04.03.2024 and is no longer required for custodial interrogation.

4. In view of above, the interim order dated 29.02.2024 passed by this Court is made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.

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5. This order should not be treated as "blanket" order. It will not be read granting petitioner indefinite protection from arrest. It shall be confined to the FIR mentioned *ibid* and will not operate in respect of any other incident that involves commission of an offence.
6. This order does not in any manner limit or restrict the rights or duties of the police or investigating agency, to investigate into the charges against the petitioner.
7. The petitioner shall be deemed to be in custody for the purpose of Section 27 of the Evidence Act, 1872 in regard to a discovery of facts made in pursuance of information supplied by the petitioner in case the occasion arises.
8. It will be open to the police or the investigating agency to move this court for a direction under Section 439 (2) Cr.P.C. to arrest the accused, in the event of violation of any term, such as absconding, non-cooperating during investigation, evasion, intimidation or inducement to witnesses with a view to influence outcome of the investigation or trial.
9. Needless to say that anything observed herein shall not be construed to be an opinion on the merits of the case.
10. Disposed off accordingly.

(PANKAJ JAIN)
JUDGE

15.05.2024

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Whether speaking/reasoned : Yes

Whether Reportable : No