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2024:PHHC:043104

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-10316-2024

Date of decision : 01.04.2024

KULWANT SINGH AND ANR

....Petitioners

Versus

STATE OF PUNJAB

....Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Imran Farooqi, Advocate for the petitioners.

Mr. Amit Shukla, Asstt. Advocate General, Punjab.

PANKAJ JAIN, J. (ORAL)

On 27.02.2024, the following order was passed :-

“Counsel for the petitioners relies upon order dated 09.01.2024 passed in CRM-M-871-2024, whereby co-accused Gursewak Singh has been granted interim bail.

Notice of motion for 01.04.2024.

Mr. Tarun Aggarwal, Sr. DAG, Punjab, appears and accepts notice on behalf of the respondent-State.

To be heard alongwith CRM-M-871-2024.

Interim in the same terms as passed in CRM-M-871-2024.”

2. Today, Ld. State Counsel on instructions from ASI Nagar Singh submits that the petitioners have already joined investigation and are no more required for custodial interrogation.

3. Without commenting on the merits of the case and in view of the aforesaid fact, order dated 27.02.2024 is made absolute, subject to the conditions as enumerated under Sections 438(2) Cr.P.C.

4. This order should not be treated as "blanket" order. It will not be read granting the petitioners 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.
5. 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 petitioners.
6. The petitioners shall be deemed to be in custody for the purpose of Section 27 of the Evidence Act in regard to a discovery of facts made in pursuance of information supplied by the petitioners in case the occasion arises.
7. 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(s), 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.
8. Petition stands disposed off accordingly.

April 01, 2024
Dpr

(PANKAJ JAIN)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No