

CRM-M-10926-2024

2024:PHHC:074633



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

209

CRM-M-10926-2024

Date of decision : 23.05.2024

Batwinder Singh @ Butta

..... Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

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

Mr. Mohit Kapoor, Sr. DAG, Punjab.

PANKAJ JAIN, J. (Oral)

1. While issuing notice of motion on 19.03.2024, following order was passed:-

“*Inter alia* submits that the petitioner has been nominated on the basis of disclosure statement made by a co-accused.

Adjourned to 23.05.2024.

Meanwhile, the petitioner is directed to appear before the Investigating/Arresting Officer to join investigation. In the event of his arrest, the Investigating/Arresting Officer shall release the petitioner on interim bail subject to furnishing personal bond/surety bond to his/her satisfaction. The petitioner shall also abide by the conditions as provided under Section 438(2) Cr.P.C.”

2. Today, learned State counsel, on instructions from ASI Baldev Singh, has stated that pursuant to the order dated 19.03.2024, the petitioner has joined investigation and is no longer required for custodial interrogation.

CRM-M-10926-2024

2024:PHHC:074633



3. In view of above, the interim order dated 19.03.2024 passed by this Court is made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.
4. 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.
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 petitioner.
6. 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.
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, 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. Needless to say that anything observed herein shall not be construed to be an opinion on the merits of the case.
9. Disposed off accordingly.

(PANKAJ JAIN)
JUDGE

23.05.2024

Dinesh

Whether speaking/reasoned :
Whether Reportable :

Yes
No