

214-2

2024:PHHC:055646

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-12443-2024

Date of decision : 24.04.2024

PRITAM SINGH AND OTHERS

....Petitioners

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Rajeshwar Singh, Advocate for the petitioners.

Mr. Tarun Aggarwal, Sr. DAG, Punjab.

Ms. Gaganbir Kaur Kahlon, Advocate and
Mr. Vipin Mahajan, Advocate for the complainant.

PANKAJ JAIN, J. (ORAL)

On 11.03.2024, the following order was passed :-

“Apprehending his arrest in FIR No.236 dated 27.12.2023, registered for offences punishable under Sections 326, 325, 324, 323, 506, 148 and 149 of IPC at Police Station Dinanagar, District Gurdaspur, the petitioner has preferred this petition under Section 438 Cr.P.C. seeking pre-arrest bail.

Counsel for the petitioners inter alia submits that it is a case of brawl wherein both the parties received injuries and apart from that there is an unexplained delay of 4 days in registration of FIR. He further refers to Annexures P-4 & P-5 to submit that both Pritam Singh and Darshan Singh also received injuries and thus it is not a case of assault.

Notice of motion qua petitioners No.1 & 2.

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

Mr. Vipin Mahajan, Advocate has entered appearance on behalf of the complainant.

Learned counsel for the complainant and learned State counsel however submit that injuries attributed to petitioners No.2 & 3 i.e. Darshan Singh & Yuvraj Singh have been opined to be grievous in nature. Darshan Singh was armed with datar and Yuvraj Singh was armed with gandasi and both have given grievous hurts to the victims that too on head and forehead.

After arguing for some time learned counsel for the petitioners prays for permission to withdraw the present petition, vis-a-vis petitioner No.3-Yuvraj Singh.

To come up along with CRM-M-7488-2024 on 24.04.2024, as prayed for.

Interim orders in the same terms.”

2. Today, Ld. State Counsel on instructions from ASI Gurmej Singh submits that the petitioners have already joined investigation and are no more required for custodial interrogation. However, counsel appearing for the complainant has eloquently opposed the bail plea.
3. Without commenting on the merits of the case and in view of the aforesaid fact, order dated 11.03.2024 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 24, 2024
Dpr

(Pankaj Jain)
Judge

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