

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

212

CRM-M-12553-2024
Date of decision : 15.05.2024

Malkit Singh @ Kitu Fauji Petitioner

versus

State of Punjab Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. B.S. Jaswal, Advocate
for the petitioner.

Mr. Tarun Aggarwal, Sr. DAG, Punjab.

PANKAJ JAIN, J. (Oral)

1. While issuing notice of motion on 12.03.2024, following order was passed:-

“Apprehending his arrest in FIR No.119 dated 07.11.2021, registered under Section 302 IPC at Police Station Tarsikka, District Amritsar, petitioner seeks pre-arrest bail. During investigation offence under Section 302 IPC has been deleted and offences under Section 304 IPC & 29 NDPS Act have been added vide rapat No.25 dated 21.06.2021, in which the petitioner has been summoned to face trial under Section 319 Cr.P.C. vide order dated 03.01.2024.

Learned counsel for the petitioner submits that the petitioner was earlier declared as innocent but now summoned as additional accused invoking Section 319 Cr.P.C.

Notice of motion 15.05.2024.

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

In the meantime, arrest of the petitioner shall remain stayed subject to the condition that he shall appear before the trial Court on 16.03.2024 i.e. the next date before the trial Court. In case the petitioner appears before the trial Court, he shall be admitted to bail.”

2. Counsel for the petitioner has produced order dated 16.03.2024 to demonstrate that the petitioner appeared before the trial Court and now stands admitted to bail.

3. In view of above, the interim order dated 12.03.2024 passed by this Court is made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.

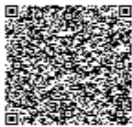
4. This order should not be treated as "blanket" order. It will not be read granting petitioner indefinite protection from arrest. It shall be confined to the FIR mentioned *ibid* and will not operate in respect of any other incident that involves commission of an offence.

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

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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

15.05.2024
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Whether speaking/reasoned :	Yes
Whether Reportable :	No