

Learned counsel for the petitioners inter alia submits that the petitioners are rather whistle blowers who were instrumental in getting the real culprits of illegal mining booked vide Annexure P-2. Petitioners have been falsely implicated.

Notice of motion for 06.05.2024.

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, in the event of arrest, the petitioners shall be released on interim bail subject to their furnishing personal and surety bonds to the satisfaction of the arresting officer/Investigating Officer. As and when called, the petitioners shall join the investigation. They shall abide by the conditions enumerated under Section 438(2) of the Cr.P.C.”

3. Today, learned State counsel, on instructions from ASI Dharmapal has stated that pursuant to the order dated 01.04.2024, petitioners have joined investigation and are no longer required for custodial interrogation.

4. In view of above, the interim order dated 01.04.2024 passed by this Court is made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.

5. This order should not be treated as "blanket" order. It will not be read granting 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.

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 petitioners.

7. The petitioners 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 petitioners 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. Petition stands disposed off.

10. Needless to say that anything observed herein shall not be construed to be an opinion on the merits of the case.

06-05-2024
spn

(PANKAJ JAIN)
JUDGE

Whether speaking/reasoned Yes
Whether Reportable : No