

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-21963-2023  
Date of decision : 22.04.2024

GURLAGAN SINGH ....Petitioner

Versus

STATE OF PUNJAB ....Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Nikhil Ghai, Advocate for  
Mr. Gurjas Gill, Advocate for the petitioner.

Mr. Tarun Aggarwal, Sr. DAG, Punjab.

PANKAJ JAIN, J. (ORAL)

While issuing notice of motion on 2<sup>nd</sup> of May, 2023 following order was passed:

“Learned counsel for the petitioner inter alia submits that prior to registration of FIR, no preliminary inquiry was ever conducted by investigating Agency so as to reach the conclusion that there was some shortage of material with the stocks of the society and the FIR in question was merely based on an inquiry report furnished by the society itself to the Investigating Agency.

Upon notice Mr. Tarun Aggarwal, Sr. D.A.G. Punjab on instructions from ASI Resham Singh submits that the Investigating Agency is unaware of the fact that while preparing inquiry report whether the society ever issued any notice to petitioner or allowed him to participate in the said inquiry.

Notice of motion for 03.07.2023.

In the meantime, the arrest of petitioner shall remain stayed.”

2. Thereafter, on 3<sup>rd</sup> of July, 2023, the petitioner was directed to join investigation.

3. Counsel for the petitioner submits that in the interregnum during the pendency of the present petition the entire amount also stands paid to the complainant.
4. State Counsel on instructions from ASI Charanji Singh submits that the petitioner has already joined investigation and is no more required for custodial interrogation.
5. Without commenting on the merits of the case and in view of the aforesaid fact, orders dated 02.05.2023/03.07.2023 are made absolute, subject to the conditions as enumerated under Sections 438(2) Cr.P.C.
6. This order should not be treated as "blanket" order. It will not be read granting the 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.
7. 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.
8. The petitioner 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 petitioner in case the occasion arises.
9. 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.
10. Petition stands disposed off accordingly.

April 22, 2024  
Dpr

(Pankaj Jain)  
Judge

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No