

206-2
IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-23768-2023
Date of decision : 30.01.2024

RAJWINDER SINGHPetitioner

Versus

STATE OF PUNJABRespondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Narinder S. Lucky, Advocate for the petitioner.

Mr. Tarun Aggarwal, Sr. DAG, Punjab.

PANKAJ JAIN, J. (ORAL)

On 11.05.2023, the following order was passed :-

“The prayer in the present petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner in case bearing FIR No.391 dated 24.09.2019 under Sections 353, 186, 379-B, 341, 149, 506 of IPC, registered at police station City Barnala District Barnala.

Learned counsel for the petitioner submits that incident pertains to 24th September, 2019. The petitioner was not named in the FIR and he has come to know that he has named in this case after 3 years on the basis of supplementary statement of co-accused. Challan has already been presented against four accused persons. The name of the petitioner is kept in Column No.2 of the challan. He further states that petitioner is residing at the same place and police did not conduct any raid and never called in this case.

Notice of motion.

Pursuant to advance notice, Ms. Himani Arora, AAG Punjab, appears on behalf of respondent No.1-State.

On asking of the Court, learned State counsel submits that

ASI Saudagar Singh is present in the Court along with police file and submits that earlier raid was conducted and the petitioner could not be arrested and now again raid has been conducted.

Adjourned to 03.08.2023.

In the meantime, petitioner is directed to appear before the SHO/Investigating Officer to join investigation and in the event of his arrest, he shall be released on bail on his furnishing bail bonds to the satisfaction of SHO/Investigating Agency, subject to the following conditions as envisaged under Section 438 (2) Cr.P.C.:-

(i) that the petitioner shall make himself available for interrogation before the investigating officer as and when required:

(ii) that the petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case as to dissuade him/her from disclosing such facts to the Court or to any police officer;

(iii) that the petitioner shall not leave the country without prior permission of the Court concerned.

Status report, if any, be filed on or before the next date of hearing with advance copy to the counsel opposite.

2. Today, Ld. State Counsel on instructions from ASI Malkit Singh submits that the petitioner has already joined investigation and is no more required for custodial interrogation.

3. Without commenting on the merits of the case and in view of the aforesaid fact, order dated 11.05.2023 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 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 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. Petition stands disposed off accordingly.

January 30, 2024		(Pankaj Jain)
Dpr		Judge
Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No