

Notice of motion.
On the asking of Court, Mr. Gagandeep Singh Chhina, AAG, Haryana, accepts notice on behalf of respondent-State.
Mr. R.S. Sidhu, Advocate has put in appearance on behalf of complainant, who contends that the stand of the petitioners qua purchase of 28 kanals of land from Ranjit Singh about 22 years back is totally false, who are in alleged possession over the same, which actually is not in their possession, who are now claiming 28 kanals of land belongs to them.
Learned State counsel on the other hand on instructions states that the petitioner No.2 has also been specifically named in the FIR for causing injuries along with other persons, though, at this stage injuries could not be identified so far, as the investigation is still going on and it will not be in the fittest of things to grant the concession of anticipatory bail to the petitioner No. 2 as well.
To the mind of this Court, since the injury on the person of the complainant attracting Section 324 of IPC is only one Le., on chest with kapa, which is attributed to petitioner No.1 namely Kuldeep Singh and qua him, petition is not being pressed. However, other injuries left out are simple in nature from which it can be easily inferred that petitioner No.2 at best has given an injury with such a weapon, which is not a serious or grievous in nature.
Considering the aforesaid facts and the nature of injury attributed to the petitioner No.2 namely Amandeep Singh, he is directed to be released on interim bail in case he joins the investigation on furnishing personal surety/security bonds to the satisfaction of Arresting Officer/Investigating Officer. The petitioner will also come present as and when called for and cooperate in investigation and shall abide by the conditions as envisaged under Section 438 (2) Cr.P.C.
Adjourned to 08.09.2023.
Petition qua petitioner No.1 namely Kuldeep Singh stands dismissed being not pressed."

3 Today, Learned State counsel on instructions has stated that pursuant to the order dated 01.06.2023 the petitioner No.2 has joined investigation and is no longer required for custodial interrogation.

4 In view of above the interim order dated 01.06.2023 passed

CRM-M-28511-2023 (O&M)

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by this Court is made absolute qua petitioner No.2, subject to the conditions as enumerated under Section 438(2) Cr.P.C whereas pre-arrest bail of the petitioner No.1 already stands rejected by this Court.

5 This order should not be treated as "blanket" order. It will not be read granting petitioner No.2 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 petitioner.

7 The petitioner No.2 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.

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 Learned counsel for the petitioner No.2 is not in a position to dispute the aforementioned factual assertions based on record.

11 Needless to say that anything observed herein shall not be

CRM-M-28511-2023 (O&M)

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construed to be an opinion on the merits of the case.

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Pending applications if any, shall stand disposed of.

(PANKAJ JAIN)
JUDGE

08.01.2024
spn

Whether speaking/reasoned	Yes
Whether Reportable :	No