

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-37490-2022
Date of decision : 14.03.2024

KARAN KUMARPetitioner

Versus

STATE OF PUNJABRespondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Ms. Gaganbir Kaur, Advocate for
Mr. Amit Gupta, Advocate
for the petitioner.

Mr. Tarun Aggarwal, Sr. DAG, Punjab.

Mr. Sandeep Godara, Advocate
for the complainant.

PANKAJ JAIN, J. (ORAL)

On 24.08.2022, the following order was passed :-

“Apprehending his arrest in FIR No.112 dated 26th June, 2022, registered for offenses punishable under Sections 323, 324, 341, 148, 149, 506, 120-B of the Indian Penal Code, 1860 (offenses under Sections 326, 307 IPC added later on) at Police Station Dinanagar, District Gurdaspur, Punjab, the petitioner has preferred this petition under Section 438 Cr.P.C. seeking pre-arrest bail.

Ld. Counsel for the petitioner inter alia contends that the petitioner has been roped in on the basis of a supplementary statement suffered by the complainant and that too after fifteen days of the registration of FIR.

Issue notice of motion returnable by 5th December, 2022.

On asking of the Court, Mr. Mohinder S. Joshi, Addl. Advocate General, Punjab appears and accepts notice on behalf of the respondent-State.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to his furnishing personal and surety bonds to the satisfaction of the Arresting Officer/Investigating Officer. As and when called, the petitioner shall join the investigation. He shall abide by the conditions enumerated under Section 438 (2) of the Cr.P.C.”

2. Today, Ld. State Counsel on instructions from ASI Naresh Kumar submits that the petitioner has already joined investigation and is no more required for custodial interrogation. He has filed status report by way of affidavit of Sukhwinder Pal Singh, PPS, DSP, Dinanagar, District Gurdaspur, today in Court, which is taken on record.
3. Without commenting on the merits of the case and in view of the aforesaid fact, order dated 24.08.2022 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.

March 14, 2024
Dpr

(Pankaj Jain)
Judge

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No