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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

204

CRM-M-39750-2023
Date of decision : 04.01.2024

Jaspreet Singh @ Jassu Petitioner

versus

State of Punjab Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. G.S. Verma, Advocate
for the petitioner.

Mr. Tarun Aggarwal, Sr. DAG, Punjab.

PANKAJ JAIN, J. (Oral)

1. Petitioner seeks pre-arrest bail in FIR No.97 dated 15.06.2023, registered for offences punishable under Sections 323, 365, 506 and 34 of IPC at Police Station Macchiwara, District Ludhiana and submits that it would be highly debatable whether offence punishable under Section 365 would be made out from the allegations levelled in the FIR qua him.

2. While issuing notice of motion on 11.08.2023, following order was passed:-

“Notice of motion.

Mr. Ramdeep Partap Singh, Sr. DAG, Punjab accepts notice on behalf of the respondent/State and prays for some time to seek instructions in the present case.

Adjourned to 13.12.2023.

Meanwhile, the petitioner is directed to join the investigation and to co-operate fully with the

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investigation process and on his doing so, the petitioner be released on interim bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall continue to join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.”

2. Today, learned State counsel, on instructions from ASI Madan Singh, has stated that pursuant to the order dated 11.08.2023, the petitioner has joined investigation and is no longer required for custodial interrogation.

3. In view of above, the interim order dated 11.08.2023 passed by this Court is made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.

4. This order should not be treated as "blanket" order. It will not be read granting 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, 1872 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

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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. Needless to say that anything observed herein shall not be construed to be an opinion on the merits of the case.
- 9. Disposed off accordingly.

(PANKAJ JAIN)
JUDGE

04.01.2024
Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No