

212 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-44057-2023
Date of decision : 01.04.2024

NAVDEEP SINGHPetitioner

Versus

STATE OF PUNJABRespondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. P.S. Dhaliwal, Advocate
for the petitioner.

Mr. Amit Shukla, Asstt. Advocate General, Punjab.

PANKAJ JAIN, J. (ORAL)

On 04.09.2023, the following order was passed :-

“Apprehending his arrest in FIR No.45 dated 22.08.2021 registered for offence punishable under Sections 302, 364, 342, 325, 323, 506, 34 IPC at Police Station Mehal Kalan, District Barnala, the petitioner has preferred this petition under Section 438 Cr.P.C. seeking pre-arrest bail.

Inter-alia relies upon order dated 29.08.2023 passed in CRM-M No.30483 of 2023 whereby the co-accused who is also summoned invoking Section 319 Cr.P.C. along with the petitioner stands admitted to pre-arrest bail observing below:-

"11. Without commenting on the merits of the case, in the peculiar facts and circumstances of the cases and the cumulative effect of the aforementioned facts, both the petitions are allowed. The petitioners shall be released on interim bail subject to their furnishing personal and surety bonds to the satisfaction of the Trial Court and subject to the condition as enumerated under Section 438 (2) Cr.P.C.

12. This order should not be treated as "blanket" order. It will not be read as granting petitioners 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.

13. 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 petitioners.

14. The petitioners 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 petitioners in case the occasion arises.

15. 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.

16. Needless to say that anything observed herein shall not be construed to be an opinion on the merits of the case. 17. Disposed off accordingly."

Notice of motion.

On asking of the Court, Mr. Tarun Aggarwal, Sr. DAG, Punjab appears and accepts notice on behalf of the respondent/State.

Adjourned to 05.12.2023.

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 Darshan 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 04.09.2023 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.

April 01, 2024
Dpr

(PANKAJ JAIN)
JUDGE

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