



CRM-M-40113-2024

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-40113-2024

Date of Decision : October 21, 2024

JASKARAN SINGH ALIAS DHILLON & ANR -PETITIONERS

V/S

STATE OF PUNJAB -RESPONDENT

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Ramesh Sharma, Advocate
for the petitioners.

Mr. Sahil R. Bakshi, A.A.G., Punjab.

KULDEEP TIWARI, J. (ORAL)

1. On 21.08.2024, this Court had passed the hereinafter extracted order, upon the instant petition:-

“1. Through the instant petition, as instituted under Section 482 of the B.N.S.S., 2023, the petitioners seek the concession of anticipatory bail, in case FIR No.44 dated 11.04.2024, under Sections 323, 324, 341, 506, 34 of the IPC, 1860 (Section 326 of the IPC, 1860, added subsequently), registered at P.S. Subhanpur, District Kapurthala.

2. The learned counsel for the petitioners inter alia submits that no specific injury has been attributed to the petitioners, which could attract the penal provisions of Section 326 of the IPC.

3. Notice of motion for 23.09.2024.

4. Mr. Pardeep Bajaj, D.A.G., Punjab, accepts notice on behalf of respondent-State of Punjab.

5. In the meantime, the petitioners are directed to join the investigation and to appear before the investigating agency, as and when called upon to do so. In the event of their arrest, they shall be admitted to interim bail on their furnishing bail bonds to the satisfaction of the Arresting/Investigating Officer. The petitioners shall abide by the terms and conditions as envisaged under Section



482(2) of the B.N.S.S., 2023.”

2. After the making of the hereinabove extracted order, when the instant petition came up for hearing on 23.09.2024, the learned State counsel stated that, although the petitioners had, in compliance of the directions embodied in the order dated 21.08.2024, joined the investigation, however, they did not cooperate with the investigating officer. Nonetheless, on request of petitioners' counsel, the petitioners were granted another opportunity to rejoin the investigation and to fully cooperate with the investigating officer.

3. During hearing of the instant petition on 03.10.2024, the learned State counsel stated that, despite the petitioners becoming afforded another opportunity by this Court to join the investigation, yet they did not do so. However, this submission of the learned State counsel was disputed by the learned counsel for the petitioners, through his making a submission that not only the petitioners joined the investigation, but, with the intervention of the investigating officer, the matter also became compromised between the parties. In view of the conflicting submissions (supra), this Court was led to, vide order dated 03.10.2024, direct the petitioners to appear before the C.J.M./Illaqa Magistrate/Duty Magistrate concerned, on or before 10.10.2024, and, to move an application for theirs becoming allowed to join investigation by the investigating officer. Moreover, it was also directed that, in case the petitioners comply with these directions and appear before the Magistrate concerned, the latter shall call upon the investigating officer and direct him to join the petitioners in the investigation, in terms of the order made by this Court on 21.08.2024.

4. Today, the learned State counsel has, on instructions imparted to him by A.S.I. Kamaljit Singh, stated that pursuant to the making of the order



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dated 03.10.2024, the petitioners had joined investigation and they are no longer required for further custodial interrogation.

5. In view of the above, the hereinabove reproduced interim order dated 21.08.2024, as made by this Court, is hereby made **absolute**, subject to the hereinafter extracted conditions:-

- “(i) the petitioners shall not commit an offence similar to the present offence;
- (ii) the petitioners shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case;
- (iii) the petitioners shall make themselves available for interrogation by a police officer as and when required.”

6. This order should not be treated as “blanket” order. It will not be read 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.

7. Needless to say that anything observed hereinabove shall not be construed to be an opinion on the merits of the case.

October 21, 2024
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(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No