

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-43737-2023

Date of decision : 06.03.2024

SURJIT SINGH ALIAS SHITU

....Petitioner

Versus

STATE OF PUNJAB

....Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Ashok Kumar, Advocate for
Mr. L.M. Gulati, Advocate for the petitioner.

Mr. Tarun Aggarwal, Sr. DAG, Punjab.

PANKAJ JAIN, J. (ORAL)

While issuing notice of motion on 02.09.2023, the following
order was passed :

“The present petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.211, dated 21.11.2019, registered under Sections 302 and 34 IPC, at Police Station Chattiwind, District Amritsar Rural.

Learned counsel contends that though the petitioner was named in the FIR but during investigation, he was found innocent and was put in column No.2 of the final report. However, on an application filed under Section 319 Cr.P.C., he has been summoned as an additional accused. No role has been attributed to him. The petitioner is ready and willing to join the proceedings.

Adjourned to 19.10.2023.

The petitioner is directed to appear before the trial Court on or before 12.09.2023 and furnish his bail/surety bonds. On his doing so, he shall be released on interim bail, subject to the satisfaction of trial Court/Duty Magistrate concerned.”

2. State Counsel on instructions from ASI Balwinder Singh submits that the petitioner has appeared before the Trial Court and has furnished bail bonds.
3. Without commenting on the merits of the case and in view of the aforesaid fact, order dated 02.09.2023 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.

March 06, 2024
Dpr

(Pankaj Jain)
Judge

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