



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

CRM-M-47332-2023

Date of Decision : 10.09.2024

KULWANT SINGH

.....Petitioner(s)

VERSUS

STATE OF HARYANA

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. P.S.Hundal, Sr. Advocate with
Mr. G.S.Hundal, Advocate,
for the petitioner(s).

Mr. Bhupender Singh, DAG, Haryana.

Mr. Dr. Anmol Rattan Sidhu, Sr. Advocate with
Mr. Shiv Kumar Sharma, Advocate,
for the complainant.

KULDEEP TIWARI, J.(Oral)

1. On 20.09.2023, a co-ordinate bench of this Court had passed
the hereinafter extracted order, upon the instant petition:-

“Learned Senior counsel while making reference to
MedicoLegal Report (P-4), contends inter-alia that alleged injuries
are opined to be simple in nature.

Notice of motion.

Per contra, learned counsel for complainant opposed
the bail on the premise that even the doctor has been managed by
the accused party.

Learned State counsel is not able to controvert the
submission made by ld. Senior counsel for the petitioner; but he
seeks some time to have instructions in the matter.

Posted on 10.10.2023.

In the meanwhile, petitioner shall join investigation
before the Investigating Officer. In the event of his arrest, the
Arresting Officer would admit him to interim bail, till the next
date of hearing, on furnishing adequate bail and surety bonds to
his satisfaction. The petitioner shall also abide by all the

conditions as envisaged under Section 438(2) of Code of Criminal Procedure, 1973. ”

2. Upon the petitioner joining the investigation, but not co-operating with the investigating agency, which led this Court to pass the hereinafter extracted direction vide order dated 27.08.2024,:-

“At the very outset, learned counsel for the State, submits that despite specific directions issued by this Court vide order dated 20.09.2023 in CRM-M-47332-2023, and vide order dated 02.09.2023 in CRM-M-43870- 2023, the petitioner has joined investigation, but is not cooperating with the investigation process, as the weapon of offence is yet to be recovered by them.

Faced with the above difficulty, learned senior counsel for the petitioner submits that they have made number of attempts to join investigation, and to fully cooperate with the investigation, but because of the evasive attitude of the Investigating Officer, he was not allowed to join the investigation as the alleged weapon of offence is yet to be recovered.

In view of the above submissions, this Court, at this stage, direct the petitioner to cause appearance before the learned Illaqa Magistrate concerned, on dated 02.09.2024, and make an application for permission to join investigation. In case the petitioner files such application, the latter shall after calling the police official concerned, make the petitioner to join investigation, it is expected that petitioner shall this time get recover the sword, allegedly used in the commission of offence.

Adjourned to 10.09.2024.

Interim order to continue till the next date of hearing.

A photocopy of the order be placed on the files of aforementioned connected petitions.”

3. Today, the learned State counsel has, on instructions imparted to him by the official concerned, fairly submits that pursuant to the making of the hereinabove extracted order dated 20.09.2023, the petitioner(s) had joined investigation, and even the weapon of offence was got recovered, therefore, further custodial interrogation of the petitioner is not required.

4. In view of the above, the hereinabove extracted interim order dated 20.09.2023, is hereby made **absolute**, subject to the hereinafter extracted conditions:-

“(i) the petitioner(s) shall not commit an offence similar to the present offence;

(ii) the petitioner(s) shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case;

(iii) the petitioner(s) shall make himself/herself available for interrogation by a police officer as and when required.”

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

not be read granting petitioner(s) 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.

6. Needless to say that anything observed hereinabove shall not

be construed to be an opinion on the merits of the case.

7. All pending application(s) stand **disposed** of accordingly.

September 10, 2024

dharamvir

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned. : Yes/No

Whether Reportable. : Yes/No