



CRM-M No. 48586 of 2023 (O&M) ::1::

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

**CRM-M No. 48586 of 2023 (O&M)
Date of decision : 14.05.2024**

Makhan Singh @ Makhanpreet Singh

..... Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN

Present :- Mr. Ajay Pal Singh Rehan, Advocate
for the petitioner.

Mr. J.S. Arora, DAG, Punjab.

PANKAJ JAIN, J. (ORAL)

1 On 29.09.2023 the following order was passed:-

“Counsel for the petitioner inter alia submits that the allegation is that the petitioner and his accomplice tried to fire upon the police party, but the cartridge got stuck. He further relies upon order dated 23.08.2023 passed in CRM-M-39408-2023, whereby co-accused rnamely Raj Jeet Singh @ Raj Singh has been granted indulgence of this Court.

Notice of motion, for 07.11.2023.

On the asking of the Court, Mr. Tarun Aggarwal, Sr. DAG, Punjab, who is present in Court accepts notice.

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.



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To be heard alongwith CRM-M-39408-2023 ”

2 Learned State counsel on instructions from ASI Kuldip Raj has stated that pursuant to the order dated 29.09.2023 the petitioner has joined investigation and is no longer required for custodial interrogation.

3 In view of above, the interim order dated 29.09.2023 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 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.

9 Needless to say that anything observed herein shall not be



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

(PANKAJ JAIN)
JUDGE

14.05.2024
Satyawan

Whether speaking/reasoned	Yes
Whether Reportable :	No