

210-2 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-49752-2023 (O&M)
Date of decision : 13.03.2024

LOVEPREET SINGH @ DAADUPetitioner

Versus

STATE OF PUNJABRespondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Priyavrat Prashar, Advocate for
Mr. Inderjit Sharma, Advocate for the petitioner.

Mr. Tarun Aggarwal, Sr. DAG, Punjab.

Ms. Arshdeep Kaur, Advocate for the complainant.

PANKAJ JAIN, J. (ORAL)

While issuing notice of motion on 11th of October, 2023
following order was passed :

Apprehending his arrest in FIR No.0046 dated 27.05.2021,
registered for offences punishable under Sections 323, 324, 427,
148 and 149 of IPC and Sections 25 and 27 of the Arms Act
(Sections 325, 326 and 302 of IPC added later on), the petitioner
has preferred this petition under Section 438 Cr.P.C. seeking pre-
arrest bail.

Counsel for the petitioner inter alia submits that the FIR
was registered on the statement made by deceased Harwinder
Singh @ Coach. He has made explicit statement attributing each
and every injury caused on his person to a specific offender and the
petitioner was not named by him. The name of the petitioner
figured on the basis of statement made by Buta Singh which has
further led to summoning of the petitioner as an additional

accused.

Notice of motion for 15.01.2024.

Mr. Tarun Aggarwal, Sr. DAG, Punjab, accepts notice on behalf of the respondent-State and Ms. Arshdeep Kaur, Advocate, accepts notice on behalf of the complainant.

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. On 11th of October, 2023 State Counsel informed the Court that directions *qua* appearance before the IO was issued whereas the petitioner ought to have appeared before the Trial Court in view of the fact that he was summoned as additional accused by invoking Section 319 Cr.P.C. Consequently, the petitioner was directed to appear before the Trial Court concerned.

3. Today, Ld. State Counsel on instructions from ASI Lakhwinder Singh submits that pursuant to the aforesaid direction the petitioner has appeared before the Trial Court and has furnished bail bonds.

4. Without commenting on the merits of the case and in view of the aforesaid fact, order dated 15.01.2024 is made absolute, subject to the conditions as enumerated under Sections 438(2) Cr.P.C.

5. 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.

6. 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.
7. 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.
8. 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.
9. Petition stands disposed off accordingly.

March 13, 2024		(Pankaj Jain)
Dpr		Judge
Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No