

210-3

2024:PHHC:036261

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

CRM-M-49990-2023

Date of decision : 13.03.2024

AVTAR SINGH ALIAS TARI

....Petitioner

Versus

STATE OF PUNJAB

....Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Rajat Dogra, Advocate for the petitioner.

Mr. Tarun Aggarwal, Sr. DAG, Punjab.

Ms. Arshdeep Kaur, Advocate for the complainant.

PANKAJ JAIN, J. (ORAL)

On 11.10.2023, the following order was passed :-

“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.

To be heard alongwith CRM-M-49752-2023.

Interim order in the same terms as passed in CRM-M-49752-2023.”

2. Today, Ld. State Counsel on instructions from ASI Lakhwinder Singh submits that pursuant to the aforesaid order 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 11.10.2023 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 13, 2024
Dpr

(Pankaj Jain)
Judge

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