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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of decision : 11.01.2024

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CRM-M No.51578 of 2023

Raja @ Raj Singh

Versus

....Petitioner

State of Punjab

.....Respondent

2

CRM-M No.55094 of 2023

Dilbag Singh & ors.

Versus

....Petitioners

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. V.K. Sandhir, Advocate for the petitioner in both cases.
Mr. Tarun Aggarwal, Sr. DAG Punjab.

PANKAJ JAIN, J. (ORAL)

1. This order shall dispose off above mentioned two petitions.
2. The petitioners in both the cases have prayed for grant of pre-arrest bail in FIR No.99 dated 30.07.2023 registered under Sections 323, 326, 324, 427, 148, 149 of IPC, at Police Station Rajasansi, District Amritsar.
3. While issuing notice of motion in CRM-M-51578-2023 and CRM-M-55094-2023, following orders were passed:-

“(1)Learned counsel for the petitioner has submitted that the role attributable to the present petitioner is only lalkara and there is no direct role pertaining to any injury caused to the victim. He further submitted that Petitioner is not involved in any other case and has got clean antecedents.

Notice of motion.

Mr. Ramdeep Partap Singh, Senior DAG, Punjab accepts notice on behalf of the State of Punjab.

Adjourned to 11.01.2024.

In the meantime, the petitioner is directed to join the investigation and to co-operate fully with the investigation process and on his doing so, the petitioner be released on interim bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting Investigating Officer. However, the petitioner shall continue to join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.”

“(2)Learned counsel for the petitioners submitted that similarly situated co-accused, namely, Raja Raj Singh has already been granted interim anticipatory bail by this Court in CRM-M-51578-2023 on 11.10.2023.

Notice of motion.

Mr. Ramdeep Partap Singh, St. DAG, Punjab accepts notice on behalf of the respondent/State and prays for some time to seek instructions and to file an affidavit in the present case.

Adjourned to 11.01.2024.

Meanwhile, the petitioners are directed to join the investigation and to co-operate fully with the investigation process and on their doing so, the petitioner be released on interim bail subject to their furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioners shall continue to join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

To be heard along with CRM-M-51578-2023.”

4. Today, learned State counsel, on instructions has stated that pursuant to the order dated 11.10.2023 passed in CRM-M-51578-2023 and order dated 03.11.2023 passed in CRM-M-55094-2023, the petitioners in both the cases have joined investigation and they are no longer required for custodial interrogation.

5. In view of above, interim orders dated 11.10.2023 passed in CRM-M-51578-2023 and dated 03.11.2023 passed in CRM-M-55094-2023 passed by this Court are made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.

6. This order should not be treated as "blanket" order. It will not be read granting petitioners 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.
7. 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 petitioners in both the cases.
8. The petitioners in both the cases 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 petitioners in case the occasion arises.
9. 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.
10. Petitions stand disposed off.
11. Needless to say that anything observed herein shall not be construed to be an opinion on the merits of the case.
12. Photocopy of this order be placed on the file of other connected case.

11.01.2024

spn

(PANKAJ JAIN)

JUDGE

Whether speaking/reasoned

Whether Reportable :

Yes

No