

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

CRM-M-60753-2023

Date of decision : 04.04.2024

BALRAJ SINGH

....Petitioner

Versus

STATE OF PUNJAB

....Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Ms. Amarjot Kaur, Advocate for the petitioner.

Mr. Shiva Khurmi, AAG, Punjab.

Mr. Raja Paramdeep Saini, Advocate for the complainant.

PANKAJ JAIN, J. (ORAL)

On 20.12.2023, the following order was passed :-

“Learned State counsel submits that the petitioner has not appended correct translation, as the later part has been left out which shows that in fact there was no delay in complaining. The delay in registration of FIR was only for the reason that the victim was not in the proper state as opined by the medical authorities to suffer a statement.

Faced with the same learned counsel for the petitioner submits that the petitioner Balraj Singh has been attributed injury on the right hand of the complainant which is non-vital part and thus it will be highly debatable as to whether offence punishable under Section 307 IPC is made out or not.

Adjourned to 04.04.2024.

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. Today, Ld. State Counsel on instructions from ASI Bhupinder Singh submits that the petitioner has already joined investigation and is no more required for custodial interrogation.
3. Without commenting on the merits of the case and in view of the aforesaid fact, order dated 20.12.2023 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.

April 04, 2024
Dpr

(Pankaj Jain)
Judge

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