

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-60995-2023 (O&M)
Date of decision : 13.04.2024

RAJIVPetitioner

Versus

STATE OF PUNJABRespondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Shubham Goyal, Advocate for the petitioner.

Mr. Tarun Aggarwal, Sr. DAG, Punjab.

PANKAJ JAIN, J. (ORAL)

On 05.12.2023, the following order was passed :-

“Apprehending his arrest in FIR No.60 dated 02.07.2023 registered for offence punishable under Sections 302, 307, 341, 325, 324, 148, 149, 120-B IPC at Police Station Sadar Nakodar, District Jalandhar Rural, the petitioner has preferred this petition under Section 438 Cr.P.C. seeking pre-arrest bail.

Inter-alia submits that the FIR was got registered on 02.07.2023 on the statement made by wife of the deceased who has not only specifically named all the culprits but also assigned specific roles to them. Thereafter on 05.07.2023, supplementary statement was recorded to the following effect raising bald allegations against the petitioner as well as one other accused with respect to causing injuries on the person of the deceased:-

".....There are two more persons armed with weapons. Due to which he died. There two more persons were present along with them. I could not name them earlier as I was in shock. Now I have got to know that Rajiv son of Vijay Kumar resident of Sarakpur, Nakodar, Jalandhar and Money son of Jassa resident of Sarakpur Colony, Nakodar, Jalandhar has also caused injuries to my husband Kuljinder Singh son of Tarsem Singh resident of Ladhewali. Legal action be taken against them. Statement is given, heard, which is correct."

Notice of motion.

On asking of the Court, Mr. Tarun Aggarwal, Sr. DAG, Punjab appears and accepts notice on behalf of the respondent/ State.

Adjourned to 14.03.2024.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to his furnishing personal

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 SI Balbir 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 05.12.2023 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.

March 14, 2024
Dpr

Whether speaking/reasoned :
Whether reportable :

(Pankaj Jain)
Judge

Yes/No
Yes/No