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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No. 63452 of 2023 (O&M)

Date of decision : 01.05.2024

Mohinder Singh @ Rinku Raja

..... Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN

Present :- Mr. Vinay Kumar, Advocate
for the petitioner.

Mr. Tarun Aggarwal, Sr. DAG, Punjab.

Mr. Dinesh Mahajan, Advocate
for the complainant.

PANKAJ JAIN, J. (ORAL)

1 On 16.12.2023 the following order was passed:-

“Apprehending his arrest in FIR No.149 dated 27.09.2023, registered for offences punishable under Sections 452, 427, 506, 201, 148, 149 of the Indian Penal Code, 1860 at Police Station City Batala, Police District Batala, the petitioner has preferred this petition under Section 438 Cr.P.C. seeking pre-arrest bail.

Ld. Counsel for the petitioner inter alia relies upon order dated 30.11.2023 passed in CRM-M-60014-2023 whereby co-accused Manjit Singh has been granted interim protection.

Issue notice of motion, returnable for 06.02.2024.

To be heard along with CRM-M-60014-2023.

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

Interim order in the same terms as in CRM-M-60014-2023.”

2 Learned State counsel on instructions from ASI Dalbir Raj has stated that pursuant to the order dated 16.12.2023 the petitioner has joined investigation and is no longer required for custodial interrogation.

3 In view of above, the interim order dated 16.12.2023 passed by this Court is made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.

4 This order should not be treated as "blanket" order. It will not be read granting 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, 1872 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.

9 Needless to say that anything observed herein shall not be construed to be an opinion on the merits of the case.

(PANKAJ JAIN)
JUDGE

01.05.2024
Pooja sharma-I

Whether speaking/reasoned	Yes
Whether Reportable :	No