

2024:PHHC:051457

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

210-1

CRM-M-63582-2023  
Date of decision : 15.04.2024

Darshan Kaur and another ..... Petitioners

versus

State of Punjab ..... Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Angrej Singh, Advocate for  
Mr. Brijesh, Advocate  
for the petitioners.

Mr. Tarun Aggarwal, Sr. DAG, Punjab.

Mr. R.S. Joshi, Advocate  
for the complainant.

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PANKAJ JAIN, J. (Oral)

1. While issuing notice of motion on 18.12.2023, following  
order was passed:-

“Apprehending their arrest in FIR No.320  
dated 15.11.2023, registered for offences under  
Sections 295/323/34 IPC at Police Station Sadar,  
Amritsar, Punjab, petitioners seek pre-arrest bail.

Learned counsel for the petitioner *inter alia*  
submits that apart from Section 295 IPC, the offence  
is bailable in nature.

Notice of motion for 03.04.2024.

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

Mr. R.S. Joshi, Advocate has entered  
appearance on behalf of the complainant.

2024:PHHC:051457

In the meantime, in the event of arrest, the petitioners shall be released on interim bail subject to their furnishing personal and surety bonds to the satisfaction of the arresting officer/Investigating Officer. As and when called, the petitioner shall join the investigation. They shall abide by the conditions enumerated under Section 438(2) of the Cr.P.C.”

2. Today, learned State counsel, on instructions from ASI Gurcharan Singh, has stated that pursuant to the order dated 18.12.2023, the petitioners have joined investigation and are no longer required for custodial interrogation.

3. In view of above, the interim order dated 18.12.2023 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

2024:PHHC:051457

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

(PANKAJ JAIN)  
JUDGE

15.04.2024  
Dinesh

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|-----------------------------|-----|
| Whether speaking/reasoned : | Yes |
| Whether Reportable :        | No  |