

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

211/2

CRM-M-65171 of 2023
Date of decision:19.03.2024

Dalbara Singh and another

....Petitioners

Versus

State of Punjab

...Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Akshay Chadha, Advocate,
for the petitioners.

Mr. Mohit Kapoor, Sr. DAG, Punjab

PANKAJ JAIN, J. (ORAL)

On 16.01.2024, the following order was passed :-

“Apprehending their arrest in FIR No.102 dated 30.06.2017, registered for offences punishable under Sections 307, 323, 506, 34 IPC (Section 302 IPC added later on) at Police Station Delhon, District Ludhiana, the petitioners have preferred these petitions under Section 438 Cr.P.C. seeking pre-arrest bail.

Ld. Counsel for the petitioner(s) inter alia contends that the petitioners have been summoned as additional accused invoking Section 319 Cr.P.C.

Issue notice of motion, returnable for 19.03.2024.

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

Meanwhile, the petitioners are directed to appear before the Trial Court/Duty Magistrate concerned. On their doing so, they shall be released on

interim bail to the satisfaction of the Trial Court/Duty Magistrate concerned.

A copy of this order be kept on the file of other connected case.”

2. Today, Ld. State Counsel on instructions from ASI Balwinder Singh, submits that the petitioners have already appeared before the trial Court and have furnished bail bonds and are no more required for custodial interrogation.

3. Without commenting on the merits of the case and in view of the aforesaid fact, order dated 16.01.202 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 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.

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 petitioners.

6. The petitioners 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 petitioners 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.
9. Pending applications, if any, also stand disposed of.

March 19, 2024

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(PANKAJ JAIN)
JUDGE

Whether speaking

Whether reportable

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Yes

No