

208

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No. 65536 of 2023 (O&M)

Date of decision : 01.02.2024

Jagdev Singh

..... Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN

Present :- Mr. Bhupinder Singh Kundra, Advocate for the petitioner.

Mr. Tarun Aggarwal, Sr. DAG, Punjab.

PANKAJ JAIN, J. (ORAL)

1 On 01.01.2024 the following order was passed:-

“Learned counsel for the petitioner at the outset submits that due to inadvertence the complainant could not be arrayed as a party in the memo of parties. On oral request, Kulwant Kaur wife of Late Sh. Bhagwant Singh, resident of New Yadwindra Colony, Patiala, P.S. Anaj Mandi, District Patiala is impleaded as a party-respondent No. 2 in this case.

Ordered accordingly. The Registry is directed to make out the necessary correction in the memo of parties.

Apprehending his arrest in FIR No. 103 dated 30.07.2023 registered for offences punishable under Sections 420, 467, 468, 471, 120-B IPC at Police Station Sirhind, District Fatehgarh Sahib; the petitioner has preferred this petition under Section 438 Cr.P.C. seeking pre-arrest bail.

Inter alia contends that the matter is primarily civil in nature, the appropriate remedy for the complainant would have been to move the civil Court/Revenue Court for adjudication of the veracity of the Kursi Nama in question & the petitioner is willing to join investigation and cooperate therein.

Notice of motion.

On asking of the Court, Mr. Kirat Singh Sidhu, DAG, Punjab appears and accepts notice on behalf of the respondent-State.

Adjourned to 01.02.2024.

The petitioner is directed to appear before the Investigating Officer on 05.01.2024 at 11:00 A.M. in concerned Police Station and join investigation. In the event of arrest, the petitioner shall be released on interim bail subject to his furnishing personal/surety bond(s) to the satisfaction of the Arresting Officer/Investigating Officer. As and when further called by Investigating Officer, the petitioner shall join the investigation. He shall abide by the condition(s) enumerated under Section 438(2) of the Cr.P.C.”

2 Learned State counsel on instructions from ASI Surjit Chand has stated that pursuant to the order dated 01.01.2024 the petitioner has joined investigation and is no longer required for custodial interrogation.

3 In view of above, the interim order dated 01.01.2024 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.

01.02.2024

Pooja sharma-I

(PANKAJ JAIN)
JUDGE

Whether speaking/reasoned

Whether Reportable :

Yes

No