

CRM-M-34581-2023

1
2023:PHHC:141131

217

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M-34581-2023
Date of decision : 06.11.2023**

LOVELY BHARTHI AND ANR

....Petitioners

Versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Zorawar Singh Chauhan, Advocate for the petitioner.

Mr. Tarun Aggarwal, Sr. DAG, Punjab.

Mr. Ramandeep S. Gill, Advocate and
Mr. Jatin Bansal, Advocate for the complainant.**PANKAJ JAIN, J. (ORAL)**

On 18.08.2023, the following order was passed :-

“Status report dated 18.08.2023 has been tendered by learned State counsel during the course of hearing, is taken on record.

The said report reveals that the role attributed to petitioner at this stage involves his culpability under Section 323 IPC and not under Section 307 IPC. Qua the injury which is stated to be grievous in nature, same is attributed to one Kamaldeep Singh, who was taken in custody and subsequently given the concession of bail.

Post it on 05.10.2023.

In the meanwhile, petitioners shall join the investigation as and when required by the investigating agency and subject to their reporting to the investigating officer within two weeks from today, no coercive steps qua arrest of petitioners shall be taken.



CRM-M-34581-2023

2
2023:PHHC:141131

In case, their arrest is required to be caused, the petitioners shall be released on bail by the Arresting Officer till the next date of hearing, on furnishing adequate bail and surety bonds to his satisfaction. Petitioners shall also abide by all the conditions as envisaged under Section 438(2) of Code of Criminal Procedure, 1973.”

2. Today, Ld. State Counsel on instructions from ASI Balbir Singh submits that the petitioners have already joined investigation 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 18.08.2023 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 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

**CRM-M-34581-2023****3**
2023:PHHC:141131

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.

November 06, 2023**(Pankaj Jain)****Dpr****Judge**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No