

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

CRM No.M-5159 of 2015 (O&M)

Date of decision: 31.03.2015

Kali @ Nirmal Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present: Mr. Jashandeep Singh Sandhu, Advocate for the petitioner.

Mr. Mikhail Kad, AAG, Punjab.

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TEJINDER SINGH DHINDSA, J.

This order shall dispose of the present petition filed under Section 438 Cr.P.C. seeking the concession of pre-arrest bail to the petitioner in case FIR No.94 dated 21.10.2014 under Sections 452/326/324 / 323/506/148/149 IPC registered at Police Station Sadar Rampura, District Bathinda.

On 18.02.2015, while issuing notice of motion, the following order was passed by this Court:

“Learned counsel for the petitioner submits that the petitioner has been shown to be armed with iron rod but neither any specific injury nor any role has been attributed to him. Learned counsel for the petitioner also submits that co-accused of the petitioner, namely, Surjit Kaur and Jaspreet Kaur, have already been granted interim bail. The petitioner is ready to join investigation.

Notice of motion for 31.03.2015.

Meanwhile, the petitioner is directed to join investigation and in the event of arrest, he shall be released on interim bail to the satisfaction of the Investigating Officer. He shall join the investigation as and when required by the

Investigating Officer. He shall also comply with the conditions as envisaged under Section 438(2) of the Code of Criminal Procedure, which are as under:-

(i)that the petitioner shall make himself available for interrogation before investigating officer as and when required;

(ii)that the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer;

(iii)that the petitioner shall not leave India without the prior permission of the Court.”

Learned State counsel upon instructions from ASI Chaman Lal would apprise the Court that the petitioner has since joined investigation on 15.03.2015. That apart, the observations made by this Court in the notice of motion order, no injury having been attributed to the present petitioner has gone uncontroverted.

Under such circumstances, custodial interrogation of the petitioner would not be warranted.

Petition is allowed. Order dated 18.02.2015 passed by this Court is made absolute.

Disposed of.

31.03.2015

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**