

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

205/3

**CRM-M-18228 of 2021
Date of Decision:14.09.2021**

Baldev Singh @ Bhola

..... Petitioner

Versus

State of Punjab

..... Respondent

CRM-M-20746 of 2021

Gurjit Singh and another

..... Petitioners

Versus

State of Punjab

..... Respondent

CRM-M-24084 of 2021 (O&M)

Nachhattar Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Mohd. Yousaf, Advocate, Advocate,
for the petitioners.

Mr. Digvijay Nagpal, Advocate,
for the complainant.

Mr. Rana Harjasdeep Singh, DAG, Punjab

AMOL RATTAN SINGH, J. (ORAL)

Vide these petitions, the petitioners seek the concession of 'anticipatory bail' under the provisions of Section 438 of the Cr.P.C., upon FIR no.30, dated 25.03.2021, having been registered at Police Station Moonak, District Sangrur, alleging therein the commission of offences punishable under Sections 323, 324, 506, 148 and 149 of the IPC, (with Section 326 of the IPC added later in respect of the petitioner in CRM-M-18228 of 2021 and Sections 326 and 307 of the IPC added later in respect of the petitioners in CRM-M-20746 of 2021).

Learned State counsel submits, on instructions from ASI Balbir Singh, that pursuant to the orders dated 27.05.2021 and 16.07.2021, all 3 petitioners in both these petitions have joined investigation and presently their custodial interrogation is not required.

Though learned counsel for the complainant expresses his anguish with regard to the aforesaid statement, however, in view of the fact that as per the ratio of the judgment of the Supreme Court in **M. C. Abraham v. State of Maharashtra** (2003) 2 SCC 649, once the investigating agency itself does not require the custodial interrogation of an accused, the court would not normally direct arrest, these petitions have actually been rendered infructuous and are disposed of as such.

However, if the petitioners' custodial interrogation is required at any stage hereinafter, in the context of the FIR in question, they would be given 10 days notice before arrest, duly shown to be served upon them.

Naturally, if the complainant is aggrieved in any manner, of lack of proper investigation, he would be always at liberty to avail of his remedy as per

law.

CRM-M-24084 of 2021

Vide this petition, the petitioner seeks the concession of 'regular bail' under the provisions of Section 439 of the Cr.P.C., upon FIR no.30, dated 25.03.2021, having been registered at Police Station Moonak, District Sangrur, alleging therein the commission of offences punishable under Sections 323, 324, 506, 148 and 149 of the IPC, (with Sections 326 and 307 added later).

The reply filed on behalf of the respondent State by way of an affidavit of the DSP, Moonak, dated 13.09.2021, is ordered to be taken on record.

The DSP would file another short affidavit annexing therewith the report of the medical officer concerned, as to the exact medical condition of the victim on whose head the petitioner is alleged to have inflicted an injury with an iron *haali*.

Learned counsel for the petitioner has also pointed to the CD, Annexure P-7, to submit that it is different to the CD that was annexed as Annexure P-5 with the petition filed by Harjit Singh under the provisions of Section 438 of the Cr.P.C. (CRM-M-24200 of 2021).

The DSP would go through the both CDs and thereafter determine as to whether they have the same contents or different; and if they are different, he would give his comments on the contents of the CD annexed as Annexure P-7 with the present petition.

Learned counsel for the petitioner has also submitted at this stage that the brother of the petitioner has expired and that his *bhog* ceremony is to be held the day after tomorrow.

Naturally, there is no time for learned State counsel to determine the correctness of that statement though otherwise normally a person would not make such a statement unless it is true.

That being so, the petitioner is ordered to be released on interim bail to the satisfaction of the CJM/Duty Magistrate concerned, till the next date of hearing before this court.

Adjourned to 23.09.2021.

Naturally, it will be determined as to whether the aforesaid statement is correct, and if not, the DSP would state that in his affidavit.

A copy of this order be also placed on the file of the other connected matters too.

September 14, 2021
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(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	No