

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

103

CRM-M-36171 of 2020
Date of Decision: 19.04.2021

Balwinder Singh @ Bholla

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Vivek K. Thakur, Advocate,
for the petitioner.

Mr. Sandeep Singh Deol, DAG, Punjab

AMOL RATTAN SINGH, J. (ORAL)

Case heard via video conferencing.

The petitioner having been directed to join investigation, with him to be released on bail if he was sought to be arrested, as per the order dated 05.11.2020 passed by this court (co-ordinate Bench), learned State counsel today submits, on instructions, that he has joined investigation and that his custodial interrogation is not required.

That being so, in terms of the judgment of the Supreme Court in **M.C. Abraham v. State of Maharashtra (2003) 2 SCC 649**, with the State itself not requiring his custodial interrogation, naturally, this court would not direct that he be arrested and consequently this petition has actually been rendered infructuous and is disposed of as such.

However, if the petitioners' custodial interrogation is required at any

stage hereinafter, in the context of the FIR in question, he would be given 10 days notice before arrest, duly shown to be served upon him.

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.

Learned counsel for the petitioner also points out that, inadvertently, in the 2nd paragraph of the order dated 05.11.2020, it has been stated that the main allegation of the commission of an offence punishable under Section 326 of the IPC is attributable to one Jora Singh whereas actually there is no offence at all made out in the FIR under that provision and the offence actually referred to was one punishable under Section 384 of the IPC.

April 19, 2021
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(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	No