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

CRM-M-17688-2023 (O&M)

Date of decision : 19.09.2023

Sonu and another

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Naveen Sharma, Advocate,
for Mr. Kamal Narula, Advocate,
for the petitioners.

Mr. Joginder Pal Ratra, Sr. DAG, Punjab,
assisted by ASI Pawan Kumar.

MAHABIR SINGH SINDHU, J.

Petition under Section 438 of the Code of Criminal Procedure, 1973 has been filed for grant of pre-arrest bail to the petitioners in FIR No.36 dated 05.03.2023, under Sections 304/34 of the Indian Penal Code, 1860, registered at Police Station Sadar Ferozepur.

2. As per the prosecution version, petitioners caused injuries to Satpal, father of the complainant and which ultimately resulted into his death.

3. This Court, on 21.08.2023, granted interim bail to petitioners and relevant part of the same is recapitulated as under:-

*“Contends inter alia that as per report of the
Doctor, reflected in affidavit dated 09.05.2023, the cause*

of death is “Cardiac Tamponade”; thus, the petitioners have no role regarding the alleged occurrence.

Learned State Counsel will find out as to whether any other criminal case is pending against the petitioners.

*Posted for **14.09.2023**.*

Order dated 20.04.2023 is modified to the extent that in the meanwhile, both the petitioners shall join investigation before the Investigating Officer. In the event of their arrest, the Arresting Officer would admit them to interim bail in the present case, till the next date of hearing, on furnishing adequate bail and surety bonds to his satisfaction. The petitioners are also directed to abide by all the conditions as envisaged under Section 438(2) of Code of Criminal Procedure, 1973.”

4. Contends that in terms of the aforesaid order, petitioners have already joined investigation and their custodial interrogation is not required.

5. Above factual position is duly acknowledged by learned State Counsel, on instructions from the police officer present in Court and further stated that custodial interrogation of the petitioners is not required at this stage.

6. In view of above, interim order dated 21.08.2023 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.

7. It is also made clear that petitioners shall fully co-operate with the Investigating Officer as and when called for further investigation.

8. The above observations may not be construed as an expression of opinion on merits of the case; rather confined only to decide the present bail matter.
9. Disposed off accordingly.

19.09.2023
atulsethi

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/ reasoned

:

Yes / *No*

Whether reportable

:

Yes / *No*