

3. This Court, on 02.11.2023, granted interim bail to petitioner and relevant part of the same is recapitulated as under:-

“The Coordinate Benches, while issuing notice of motion on 11.04.2023 & 19.04.2023, directed that till the next date of hearing, “no coercive action be taken against the petitioner(s)”.

Aforesaid orders dated 11.04.2023 & 19.04.2023, passed in both the present petitions, are modified to the extent that petitioner(s) 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(s), till the next date of hearing, on furnishing adequate bail and surety bonds to his satisfaction. The petitioner(s) are also directed to abide by all the conditions as envisaged under Section 438(2) of Code of Criminal Procedure, 1973.

Posted for 21.11.2023.

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Photocopy of this order be placed on the connected case.”

4. Contends that in terms of the aforesaid order, petitioner has already joined investigation and his custodial interrogation is not required.

5. Above factual position is duly acknowledged by learned State Counsel, on instructions from ASI Naresh, and further stated that custodial interrogation of the petitioner is not required at this stage.

6. On the other hand, learned counsel for the complainant vehemently opposed the prayer of petitioner. Since learned State counsel is

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not asking for custodial interrogation of petitioner, therefore, the objection raised by learned counsel for the complainant is overruled; hence, rejected.

7. In view of the above, interim order dated 02.11.2023 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.

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

9. 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.

10. Disposed off accordingly.

21.11.2023

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(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking / reasoned :

Yes

No

Whether Reportable :

Yes

No