

210-1

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

CRM-M-19639-2023 (O&M)

Date of decision : 10.08.2023

Vijay Kumar

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Ms. Vibhakti, Advocate,
for Mr. Dilpreet Singh Gandhi, Advocate,
for the petitioner.

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

MAHABIR SINGH SINDHU, J.

Petition under Section 438 of the Code of Criminal Procedure has been filed for grant of pre-arrest bail to the petitioner in FIR No.0024 dated 03.03.2023, under Sections 326, 323, 324, 341, 148 & 149 of the Indian Penal Code, 1860 (for short, '*the IPC*'), registered at Police Station Division-D, District Amritsar.

2. Aforesaid FIR was registered on the basis of statement made by complainant-Harish Kumar with the allegations that petitioner and other co-accused inflicted injuries to him.

3. The Coordinate Bench, on 21.04.2023, granted interim bail to petitioner and relevant part of the same is recapitulated as under:-

“Prayer is for grant of anticipatory bail in case having FIR No.24 dated 3.3.2023 registered under Sections 326, 323, 324, 341, 148, 149 IPC at Police Station Division-D, District Amritsar.

The counsel for the petitioner inter alia contends that the petitioner has been falsely implicated in the present case and there is also cross-version to the version narrated by the complainant Harish Kumar and as per said cross-version, the petitioner also sustained injuries at the hands of the opposite party. The counsel for the petitioner further submits that no grievous injury has been attributed to the petitioner who is alleged to be armed with some iron weight at the time of occurrence. The counsel for the petitioner submits that the petitioner who is having no criminal history is ready to join investigation with the police.

Notice of motion.

On the asking of the Court, Mr. Chaman Lal Pawar, Addl. A.G. accepts notice on behalf of State of Punjab and on instructions from ASI Parminder Singh submits that at the time of occurrence the petitioner was armed with iron weight and his companion Mohit caused grievous injury with sharp edged weapon. However, the State counsel has not disputed the fact that no grievous injury has been attributed to the petitioner and the case involves version as well as cross-version.

In the meanwhile, in case of arrest, the petitioner is directed to be released on interim bail by the Investigating Officer/Arresting Officer subject to his own satisfaction. The petitioner should join investigation with the police well in time before the next date of hearing and to abide by the conditions envisaged under Section 438 (2) Cr.P.C.

The report of the Investigating Officer be also called in this context on the next date of hearing.

*Now be listed on **10.08.2023.**”*

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 the police officer present in Court and further stated that custodial interrogation of the petitioner is not required at this stage.
6. In view of above, interim order dated 21.04.2023, is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.
7. It is also made clear that petitioner 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.

10.08.2023
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(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No