

210-2

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

CRM-M-23380-2023 (O&M)

Date of decision : 10.08.2023

Arun Gill

...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 09.05.2023 granted interim bail to petitioner and relevant part of the same is recapitulated as under:-

“Prayer is for grant of anticipatory bail to the petitioner in criminal case having FIR No.0024 dated

03.03.2023 registered under Sections 326, 323, 324, 341, 148 and 149 of IPC at Police Station Division-D, Amritsar.

The counsel for the petitioner, inter alia, contends that the petitioner has been falsely implicated in the present case and even otherwise only simple injury is attributed to the petitioner who is stated to be armed with Iron Rod at the time of alleged occurrence and further, there is also cross-version, as per which, the opposite party caused injuries to Vijay Kumar, who is uncle of the petitioner and in this regard DDR No.024 dated 23.03.2023 has been registered. The counsel for the petitioner further submits that aforesaid Vijay Kumar has already been granted interim bail by this Court vide order of this Court dated 21.04.2023 (Annexure P-7). The counsel for the petitioner also 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. C.L. Pawar, Addl. A.G. Punjab, accepts notice on behalf of the respondent-State of Punjab and on instructions from ASI Charan Singh submits that at the time of occurrence, the petitioner was armed with iron rod and he gave its blow on the head of the Harish Kumar.

On query being put to learned counsel for the State, he submits that injuries nos.1 to 4 found on the person of Harish Kumar are reported to be caused with sharp edged weapon while injuries nos 5 & 6 are reported to be caused with blunt weapon. So apparently, it appears that injuries nos.1 to 4 found on the person of Harish Kumar are not caused by the petitioner and injuries nos.5 & 6 which are stated to be caused on the head of the Harish Kumar is

found to be simple in nature caused with blunt weapon, and only they can be attributed to petitioner.

The State counsel has not disputed the fact that co-accused, namely, Vijay Kumar has already been granted interim bail by this Court vide Annexure P-7.

*Now be listed on **10.08.2023**.*

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.”

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 09.05.2023, 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
atulsethi

(MAHABIR SINGH SINDHU)
JUDGE

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