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

**CRM-M-23836-2023 (O&M)
Date of decision : 26.07.2023**

Surender Singh @ Sandu

...Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Sandeep Kotla, Advocate,
for the petitioner.

Mr. Kiran Pal Singh, AAG, Haryana.

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.94 dated 20.07.2022, under Sections 148, 149, 323, 379-B, 120-B of the Indian Penal Code, 1860 (for short, '*the IPC*'), registered at Police Station Bapoli, District Panipat.

2. It transpires that above FIR was registered on the basis of statement made by one Monu to the effect that on 17.07.2022, the petitioner along with co-accused waylaid him; caused injuries with sticks; and snatched his money.

3. This Court, on 11.05.2023, granted interim bail to petitioner and relevant part of the same is recapitulated as under:-

*“The instant petition under Section 438 Cr.P.C., has
been filed for grant of anticipatory bail to the petitioner in*

FIR No.94, dated 20.07.2022, under Sections 148, 149, 323, 379-B, 120-B of the IPC, 1860, registered at Police Station Bapoli, Panipat (Annexure P-1).

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case and is nominated in the FIR as unknown person, as no injury whatsoever has been attributed to the petitioner. He further submits that the main eye witness to the incident namely Sheela has not supported the prosecution version during the trial. He has placed reliance upon an order dated 10.11.2022, whereby the co-accused namely Ajit @ Jeeta has been granted the concession of interim bail by this Court passed in CRM-M-47401-2022.

Notice of motion.

On the asking of Court, Mr. Gagandeep Singh Chhina, AAG, Haryana, accepts notice on behalf of respondent-State, who seeks time to get the instructions.

In the meantime, the petitioner is directed to be released on interim bail, in case he joins the investigation on furnishing personal surety/security bonds to the satisfaction of Arresting Officer/Investigating Officer. The petitioner will also come present as and when called for and cooperate in investigation and shall abide by the conditions as envisaged under Section 438 (2) Cr.P.C.

Adjourned to 26.07.2023.”

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

5. The above factual position is duly acknowledged by learned State Counsel, on instructions from the police official concerned and further stated that custodial interrogation of the

petitioner is not required at this stage. Status report filed by way of affidavit of Mr. Narender Singh, HPS, Deputy Superintendent of Police, Samalkha, District Panipat, dated 22.07.2023, is also taken on record. Copy thereof supplied to the opposite side.

Registry to tag the same at appropriate place.

6. In view of above, interim order dated 11.05.2023 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.

26.07.2023
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(MAHABIR SINGH SINDHU)
JUDGE

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