

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

**CRM-M-25204-2023 (O&M)
Date of decision : 03.10.2023**

Manpreet Singh @ Thakar

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Karandeep Singh, Advocate for the petitioner.

Mr. Jaiteshwar S. Bhandari, AAG, Punjab for the respondent.

MAHABIR SINGH SINDHU, J.

Present 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.50 dated 15.05.2021, under Sections 307, 148, 149, 324 of the Indian Penal Code, 1860 (Section 326, IPC added later on), registered at Police Station City Rampura, District Bathinda.

(2) Above FIR was registered on the basis of statement made by complainant-Krishan Sharma with the allegations that on 28.04.2021 at around 1:30 PM, he was going towards his home. When he reached near a shop, then Pidli, armed with Dah; Thakur and Amit, armed with Swords, accompanied with their companions, came there. Pidli raised a *lalkara* not to

spare the complainant and with the intention to kill him, gave *Dah* blow. Thakur and Amit also gave Sword blows. Thereafter, Amit and two other boys dragged the complainant. On seeing the persons gathered at the spot, all the accused fled away along with their respective weapons.

(3) The Coordinate Bench, vide order dated 18.05.2023, granted interim bail to the petitioner and which reads as under:-

“Prayer is for grant of anticipatory bail in case having FIR No.50 dated 15.5.2021 registered under Sections 307, 148, 149, 324, and Section 326 IPC at Police Station city Rampura, District Bathinda.

The counsel for the petitioner inter alia contends that the petitioner has been falsely implicated in the present case and even otherwise the injury allegedly attributed to the petitioner on right wrist of complainant is found to be simple in nature. The counsel for the petitioner further submits that the petitioner is having no criminal history and 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 Gurdev Singh submits that the petitioner was member of unlawful assembly, which caused injuries to complainant Krishan Kumar and that the petitioner is required by the police for proper investigation of the case. The State counsel further apprised the Court that at the time of occurrence, the petitioner was armed with sword and caused simple injury to the complainant.

In view of the fact that simple injury with sword has been attributed to the petitioner, which falls under Section 324 IPC and the same is bailable offence, 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 3.10.2023.”

(4) Learned Counsel submits that in pursuance of the aforesaid order, petitioner has already joined the investigation and his custodial interrogation is not required.

(5) Learned State Counsel, on instructions, also acknowledged that petitioner has joined investigation and as on today, his custodial interrogation is not required.

(6) In view of above, interim order dated 18.05.2023 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.

October 3rd, 2023
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>