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204 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-28533-2023 (O&M)
Date of decision : 14.11.2023

Gurpal Singh and others

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present : Mr. Jaswinder Singh Rana, Advocate, for
Mr. Deepinder Brar, Advocate,
for the petitioners.

Mr. C.L.Pawar, Additional Advocate General, Punjab,
for the respondent.

Mr. Kamal Narula, Advocate,
for the complainant.

MAHABIR SINGH SINDHU, J.

Petition under Section 438 of the Code of Criminal Procedure, 1973, has been filed for grant of pre-arrest bail to the petitioners in FIR No.71 dated 26.04.2023, under Sections 379 and 34 of the Indian Penal Code, 1860, registered at Police Station City-I, Abohar, District Fazilka.

2. Above FIR was registered on the basis of statement made by one Satwant Singh with the allegations that petitioners have stolen the wheat crop after reaping the same with combine harvester from his land situated in Village Buraj Muhar, Tehsil Abohar.

3. This Court, on 21.09.2023, granted interim bail to petitioners and relevant part of the same is recapitulated as under:-

“Mr. Kamal Narula, Advocate has filed Memo of Appearance on behalf of the complainant.

Status Report by way of affidavit dated 14.09.2023 of Sh. Atul Soni, DSP, Sub Division Abohar, District Fazilka has been filed. The same is taken on record. Copy thereof supplied to the opposite side.

Learned Counsel for the complainant seeks time to file short affidavit in the matter.

Posted for 14.11.2023.

Order dated 01.06.2023, passed by the Coordinate Bench, is modified to the extent that petitioners 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, till the next date of hearing, on furnishing adequate bail and surety bonds to his satisfaction. The petitioners are also directed to abide by all the conditions as envisaged under Section 438(2) of Code of Criminal Procedure, 1973.”

4. Contends that in terms of the aforesaid order, petitioners have already joined investigation and their custodial interrogation are not required.

5. Above factual position is duly acknowledged by learned State Counsel, on instructions from HC Jagjit Singh, and further stated that custodial interrogation of the petitioners are 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 petitioners, therefore, the objection raised by learned counsel for the complainant is overruled; hence, rejected.

7. In view of the above, interim order dated 21.09.2023 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.

8. It is also made clear that petitioners 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.

14.11.2023
adhikari

(MAHABIR SINGH SINDHU)
JUDGE

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