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

CRM-M-29802-2023 (O&M)

Date of decision : 17.10.2023

Yogesh @ Sweety

...Petitioner(s)

Versus

State of U.T. Chandigarh

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Mohit Malik, Advocate,
for the petitioner.

Mr. Ankur Bali, Addl.P.P., U.T. Chandigarh.

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 petitioner in FIR No.47 dated 28.04.2023, under Sections 147, 148, 324, 323, 506 & 307 of the Indian Penal Code, 1860 (for short, '*the IPC*'), registered at Police Station Maloya, Chandigarh.

2. Above FIR was registered on the basis of statement made by one Raj Kumar with the allegations that petitioner along with other co-accused caused injuries to him.

3. This Court, on 24.07.2023, granted interim bail to petitioner and relevant part of the same is recapitulated as under:-

“Contends, iner alia, that petitioner has been falsely implicated in the present case and representation dated 15.05.2023 (P-5) in this regard was also made to the

DGP, U.T. Chandigarh, but till date, no action is taken by the quarter concerned.

Learned counsel for the U.T. Administration is not able to apprise the Court about the fate of aforesaid representation; however, he seeks time to have instructions in the matter.

Posted on 18.08.2023.

In the meanwhile, petitioner shall join investigation before the Investigating Officer. In the event of his arrest, the Arresting Officer would admit him to interim bail, till the next date of hearing, on furnishing adequate bail and surety bonds to his satisfaction. The petitioner shall also abide by all the conditions as envisaged under Section 438(2) of the Code of Criminal Procedure, 1973.”

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 Counsel for the U.T. Administration, 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 24.07.2023 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.

17.10.2023
atulsethi

(MAHABIR SINGH SINDHU)
JUDGE

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