

**211(2) IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH****CRM M-30372-2023 (O&M)
Date of Decision: 13.07.2023**

Mohammed Shahid Hameed @ Shahid Hameed

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

Present: Dr. Anmol Rattan Sidhu, Senior Advocate assisted by
Mr. Sukhdev Singh Khokher, Advocate,
for the petitioner.

Mr. Joginder Singh Ratra, Sr. DAG, Punjab.

MAHABIR SINGH SINDHU. J.

Present petition has been filed under Section 438 of the Code of Criminal Procedure (for short “Cr.P.C”) for grant of pre-arrest bail to the petitioner in FIR No.125 dated 21.04.2023, under Section 304 read with Section 34 IPC registered at Police Station Dera Bassi, District SAS Nagar.

2. Above FIR is registered by complainant Surinder Singh with the allegations that his brother (Manak Singh) was working in a company under the name and style M/s Federal Agro Meat Plant, Behda, Police Station Derabassi, District SAS Nagar. On 21.04.2023 at about 4.00 pm, he died due to inhaling of poisonous gas. Petitioner is one of the Directors of the company and as such he had the knowledge that upon sudden picking up of lid of the pit, any person can die due to oozing out of poisonous Gas.

3. This Court on 13.06.2023, while granting interim bail to the petitioner passed following order:-

“Contends that matter has already been settled with the aggrieved parties and reference in this regard is made to Settlement dated 16.05.2023. Further submits that petitioner is ready to compensate the present complainant on some reasonable terms.

Notice of motion for 13.07.2023.

On the asking of the Court, Mr. Ferry Sofat, Addl. AG, Punjab accepts notice on behalf of the respondent and seeks time to have instructions and/or file written response in the matter.

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 Code of Criminal Procedure, 1973.”

4. Learned Senior counsel submits that in pursuance of the aforesaid order, petitioner has joined investigation and his custodial interrogation is not required by the Police.

5. The above factual position is duly acknowledged by learned State Counsel, on instructions from quarter concerned and fairly submitted that custodial interrogation of the petitioner is not required at this stage.

6. In view of above, interim order dated 13.06.2023 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. Pending criminal misc. application(s), if any, shall also stand disposed off.

13.07.2023
SN

(MAHABIR SINGH SINDHU)
JUDGE

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