

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

CRM-M-30295-2023 (O&M)

Date of decision : 15.11.2023

Chandi Ram and others

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. Aminder Singh, Advocate for the petitioners.

Mr. C.L.Pawar, Addl. A.G., Punjab for the respondent.

Mr. Tajinderbir Singh, Advocate for the complainant.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of pre-arrest bail to the petitioners in FIR No.139 dated 12.12.2022, under Sections 323, 427, 506, 148, 149, 452 of the Indian Penal Code, 1860 (Sections 308 & 325, IPC added later on), registered at Police Station Moonak, District Sangrur.

(2) Above FIR was registered on the basis of statement made by complainant-Gurwinder Singh with the allegations that on 10.12.2022, co-accused Lal Singh objected against raising wall at their land and used abusive language. Thereafter, on 11.12.2022 at about 01:45 PM, when complainant along with his family members were doing their respective works, petitioners and other co-accused, armed with Sticks & *Kirpan*, came in tractor/trolley

from backside of their house. They raised *lalkara* and co-accused Lal Singh dismantled the Wall with the help of trolley and entered in the house of complainant. Co-accused Lal Singh gave *Kirpan* blow on the head; whereas Jagsir Singh gave stick blow on the person of complainant. Other co-accused gave stick blows to the family members of the complainant. On raising hue and cry, all the assailants fled away from the spot along with respective weapons.

(3) This Court, while issuing notice of motion on 12.06.2023, granted interim bail to the petitioners and which reads as under:-

“Contends that offence under Section 308 IPC was added after a period of 5 months from registration of the FIR in question.

Also contends that co-accused have already been granted concession of interim anticipatory bail by Coordinate Bench vide order dated 07.06.2023 (P-2).

Notice of motion

Mr. Ferry Sofat, Addl. AG, Punjab, accepts notice and seeks time to have instructions in the matter.

Posted on 06.07.2023.

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

To be heard along with CRM-M-29917-2023.”

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

- (5) Learned State Counsel, on instructions, also acknowledged that petitioners have joined investigation and as on today, their custodial interrogation is not required.
- (6) Although learned Counsel for the complainant has opposed the prayer; but keeping in view the fact that State does not require any custodial interrogation of petitioners, therefore, the objection in this regard is rejected.
- (7) As a result thereof, petition is allowed; interim order dated 12.06.2023 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) It is made clear that in case of any recurrence on the part of the petitioner(s), the State would be at liberty to move an application for recalling of this order.
- (11) Disposed off accordingly.
- (12) Pending application(s), if any, shall also stand disposed off.

November 15th, 2023
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	Yes