

**210 IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH****CRM M-30414-2023 (O&M)
Date of Decision: 13.07.2023**

Babita and another

.....Petitioners

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE MAHABIR SINGH SINDHUPresent: Mr. Naveen Sharma, Advocate,
for the petitioners.Mr. Joginder Singh Ratra, Sr. DAG, Punjab.
assisted by ASI Sahib Kumar.**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 petitioners in FIR No.146 dated 09.07.2022, under Sections 323, 341, 379, 427 and 506 read with Section 149 IPC registered at Police Station Moti Nagar, District Police Commissionerate, Ludhiana.

2. Prosecution case in brief: petitioners along with co-accused tress-passed into the house of complainant (Peeto) during night, assaulted the complainant and her son, threatened to kill them and committed theft of activa bearing registration No. PB-10-2528, gold ornaments, cash, LCD, Air Conditioner, Washing machine and important documents like Aadhar card etc.

3. This Court vide order dated 14.06.2023, granted interim bail to petitioners and the same reads as under:-

“Contends inter alia that co-accused, Moni, with similar allegations has already been granted the concession of interim bail in CRM-M-22847-2023.

Notice of motion.

Notice re: interim relief as well.

Mr. Kirat Singh Sidhu, DAG, Punjab, accepts notice on behalf of the respondent-State and seeks time to have instructions in the matter.

To be heard along with the aforesaid CRM-M, on the date already fixed i.e. 13.07.2023.

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 the Code of Criminal Procedure, 1973.”

4. Learned counsel on instructions from petitioners submits that in pursuance of the aforesaid order, they joined investigation and their 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 petitioners is not required at this stage.

6. In view of above, interim order dated 14.06.2023 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.

7. It is also made clear that petitioners 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