

211

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

CRM-M-30447-2023 (O&M)

Date of decision : 02.08.2023

Vinay Kumar

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Piyush Setia, Advocate,
for the petitioner.

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

MAHABIR SINGH SINDHU, J.

Petition under Section 438 of the Code of Criminal Procedure has been filed for grant of pre-arrest bail to the petitioner in FIR No.229 dated 11.10.2021, under Section 379B, 324, 323, 148, 149, 120-B of the Indian Penal Code, 1860 (for short, '*the IPC*'), registered at Police Station City-I Abohar, District Fazilka.

2. It transpires that above FIR was registered on the basis of statement made by one Amit Kumar to the effect that petitioner along with other co-accused inflicted injuries on the complainant and one Rohit.

3. This Court, on 14.06.2023, granted interim bail to petitioner and relevant part of the same is recapitulated as under:-

“Contends inter alia that co-accused with similar allegations have already been granted concession of

anticipatory bail by Co-ordinate Bench vide orders dated 05.01.2022 & 18.01.2022 (P-3 & P-4, respectively).

*Notice of motion for **02.08.2023**.*

On asking of the Court, Mr. Kirat Singh Sidhu, Deputy Advocate General, Punjab, accepts notice on behalf of the respondent and seeks time to have instructions or file response in the matter.

Requisite copies of paper-book be supplied to learned State Counsel during the course of day.

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. Contends that in terms of the aforesaid order, petitioner has already joined the investigation and his custodial interrogation is not required.

5. The above factual position is duly acknowledged by learned State Counsel, on instructions from the police officer concerned and further stated that custodial interrogation of the petitioner 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 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.

02.08.2023

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(MAHABIR SINGH SINDHU)

JUDGE

Whether speaking / reasoned :

Whether Reportable :

Yes

Yes

No

No