

210**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRM-M-30435-2023 (O&M)
Date of decision : 06.07.2023**

Parth Bakshi

...Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Garuav, Advocate,
for Mr. Fateh Saini, Advocate,
for the petitioner.

Mr. Bhupender Singh, AAG, Haryana,
assisted by ASI Rajesh Kumar.

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.263 dated 09.05.2023, under Sections 323, 324, 34, 406 of the Indian Penal Code, 1860 (for short, '*the IPC*'), registered at Police Station Mahesh Nagar, District Ambala.

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

3. This Court, on 16.06.2023, granted interim bail to petitioner and relevant part of the same is recapitulated as under:-

“Contends inter alia that offence under Section 326 IPC was added after a period of 10 days from the date of alleged occurrence and that too, without any basis.

Notice of motion.

Mr. Kiran Pal Singh, AAG, Haryana, accepts notice on behalf of the respondent-State, whereas, Mr. Shubham Aggarwal, causes representation on behalf of the complainant; and both seek time to have instructions and/or file written response in the matter.

Posted on 06.07.2023.

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 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 official concerned and further stated that custodial interrogation of the petitioner is not required at this stage.

6. In view of above, interim order dated 16.06.2023 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.

06.07.2023	(MAHABIR SINGH SINDHU)	
<i>atulsethi</i>	JUDGE	
Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No