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

CRM-M-30725-2023 (O&M)

Date of decision : 22.08.2023

Balwinder Singh @ Binder Singh and another

...Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Satbir Singh Gill, Advocate,
for the petitioners.

Mr. Vikram Singh, AAG, Haryana.

MAHABIR SINGH SINDHU, J.

Petition under Section 438 of the Code of Criminal Procedure, 1973 (for short, '*the Cr.P.C.*') has been filed for grant of pre-arrest bail to the petitioner in FIR No.210 dated 31.08.2020, under Section(s) 323, 325, 506, 34 (Section 307 added subsequently) of the Indian Penal Code, 1860 (for short, '*the IPC*'), registered at Police Station Kalanwali, District Sirsa.

2. Above FIR was registered on the basis of statement made by one Jagtar Singh with the allegations that petitioners gave injuries to the complainant.

3. This Court, on 26.07.2023, granted interim bail to petitioners and relevant part of the same is recapitulated as under:-

*“Contends that petitioners are apprehending arrest
on account of the third supplementary report under*

Section 173 Cr.P.C., vide which Section 307 IPC has been added after a period of about 03 (three) years of the alleged occurrence.

Status report already filed by way of affidavit of Mr. Gurdial Singh, HPS, Deputy Superintendent of Police, Kalanwali, District Sirsa, dated 13.07.2023, is taken on record. Copy thereof supplied to the opposite side.

Registry to tag the same at appropriate place.

Posted on 22.08.2023, for further consideration.

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. At the outset, learned counsel for the petitioners submits that petitioner No.1 is no more. As a result thereof, present petition qua petitioner No.1 abates. Also contends that in terms of the aforesaid order, petitioner No.2 has already joined investigation and his custodial interrogation is not required.

5. Above factual position is duly acknowledged by learned State Counsel, on instructions from the police officer present in Court and further stated that custodial interrogation of the petitioner No.2 is not required at this stage.

6. In view of above, interim order dated 26.07.2023 is made absolute qua petitioner No.2 subject to the conditions as envisaged under Section 438(2) Cr.P.C.

7. It is also made clear that petitioner No.2 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.

22.08.2023

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(MAHABIR SINGH SINDHU)
JUDGE

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