

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

**CRM-M-30642-2023 (O&M)
Date of decision : 09.08.2023**

Ram Charan

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Sumeet Singh Brar, Advocate for the petitioner.

Mr. Jaiteshwar S. Bhandari, AAG, Punjab for the respondent.

MAHABIR SINGH SINDHU, J.

Present 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.30 dated 06.02.2023, under Sections 323, 324, 147, 149 of the Indian Penal Code, 1860 (*for short 'the IPC'*) [Section 326, IPC added later on], registered at Police Station Samrala, District Ludhiana.

(2) It transpires that above FIR was registered on the basis of statement made by complainant-Paramjit Kaur to the effect that on 04.02.2023 at about 03:00 PM, when her son-Harpinder Singh and one Rajvir Singh had gone to attend the Nagar Kirtan in Village Manki, where accused Jagroop Singh, Navjot Singh, Harman Singh and Ram Charan (petitioner)

gave beatings to them. Thereafter, son of the complainant and Rajvir Singh came back home. Again, on the same day at about 04:40 PM, Jagroop Singh, armed with *Kirpan*, Navjot Singh & Harman Singh, both armed with *Kirch*, Ram Charan along with six unidentified persons, all armed with Baseball & Iron Rods, came in the street and gave beatings to her son and Rajvir Singh. When complainant tried to intervene, accused Navjot Singh gave *Kirch* blow; whereas Ram Charan (petitioner) gave Baseball blows on her head. On raising alarm, accused fled away from the spot.

(3) The Coordinate Bench, vide order dated 20.06.2023, granted interim bail to petitioners and the same reads as under:-

“Apprehending his arrest in FIR No.30 dated 06.02.2023, registered under Sections 323, 324, 147 and 149 of the IPC (Section 326 added later on) at Police Station Sadar Samrala, Ludhiana, Punjab, petitioner seeks pre-arrest bail.

Learned counsel for the petitioner inter alia submits that the petitioner was earlier admitted to pre-arrest bail later on Section 326 has been added. Inquiry constituting Section 326 is not attributable to the petitioner even if the allegations levelled in the FIR are taken on the face value.

Learned State counsel is not in a position to dispute the aforesaid fact.

Adjourned to 09.08.2023.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to his furnishing personal and surety bonds to the satisfaction of the arresting officer/Investigating Officer. As and when called, the petitioner shall join the investigation. He shall abide by the conditions enumerated under Section 438(2) of the Cr.P.C.”

- (4) Learned Counsel submits that in pursuance of the aforesaid order, petitioner has already joined the investigation and his custodial interrogation is not required.
- (5) Learned State Counsel, on instructions from ASI Avtar Singh, submits that petitioner has joined investigation and as on today, his custodial interrogation is not required.
- (6) In view of above, interim order dated 20.06.2023 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.

August 9th, 2023
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(MAHABIR SINGH SINDHU)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>