

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

CRM-M-30700-2023 (O&M)
Date of decision : 09.08.2023

Ajaydeep Singh @ Ajay Singh

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Naveen Kumar, Advocate for
Mr. Davinder Kumar, 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.0172 dated 18.12.2022, under Sections 452, 326, 325, 323, 148, 149 of the Indian Penal Code, 1860, registered at Police Station Raman, District Bathinda.

(2) It transpires that above FIR was registered on the basis of statement made by complainant-Sukhpal Singh to the effect that on 17.12.2022 at about 07:00 PM, Jagseer Singh & Hardeep Singh, both armed with Spades; whereas Akashdeep Singh @ Kalu & Ajay Singh, both armed

with Iron Rods, grappled with his brother-Ajaib Singh regarding flow of dirty water in the street. Jagseer Singh gave spade blow with its reverse side on the head of complainant; whereas Akashdeep & Ajay gave Iron Rod blows on his thigh & right elbow, respectively. Upon raising alarm by the complainant, his father Moden Singh & maternal aunt Gurdev Kaur reached at the spot. Hardeep Singh gave spade blow with its reverse side on left side of jaw, near the eye on person of Moden Singh, due to which, he fell down. Accused also gave 2-3 more spade blows on his father, due to which, he became unconscious and his jaw was fractured. Jeetu Singh, armed with wooden log, gave its blow on the thigh of Gurdev Kaur. Thereafter, accused along with their respective weapons fled away from the spot.

(3) This Court, vide order dated 16.06.2023, granted interim bail to petitioner and the same reads as under:-

“Contends inter alia that injury attracting Section 326 IPC is alleged to have been caused by co-accused, Hardeep Singh.

Notice of motion.

Ms. Monika Jalota, Sr. DAG, Punjab, accepts notice on behalf of the respondent-State and seeks time to have instructions and/or file written response in the matter.

Posted on 09.08.2023.

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) 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 Karamjit 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 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.

August 9th, 2023
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

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