

208 **IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

CRM M-30944-2023 (O&M)
Date of Decision: 23.08.2023

Ravi KumarPetitioner

Versus

State of PunjabRespondent

CORAM: HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Surinder Pal Singh Tinna, Advocate,
for the petitioner.

Mr. Amish Sharma, AAG, Punjab.

MAHABIR SINGH SINDHU. J.

Present petition has been filed under Section 438 of the Code of Criminal Procedure (for short “Cr.P.C”) for grant of pre-arrest bail to the petitioner in FIR No.62 dated 24.05.2023, under Sections 323, 452 & 148 read with Section 149 IPC at Police Station Khuian Sarwar, District Fazilka.

2. Petitioner along with co-accused Gopi Ram, Teena, Saroj, Suman @ Simmi & Aman is alleged to have given blows to his brother-in-law (Mohan Lal) on his back, shoulder & face.

3. The Coordinate Bench of this Court vide order dated 21.06.2023, granted interim bail to petitioner and the same reads as under:-

“Prayer in the present petition filed under Section 438 Cr.P.C. is for the grant of anticipatory bail to the petitioner in FIR No.0062 dated 24.05.2023, registered under Sections 452, 323, 148, 149 IPC, at Police Station Khuian Sarwar, District Fazilka (Punjab).

Learned counsel for the petitioner contends that the petitioner has been falsely implicated. He submits that the co-accused have already been granted regular bail. It has been

contended that all three children of the complainant and the sister of the present petitioner, who is the wife of the complainant, are living in the house of the petitioner as the complainant does not take care of them. It has been submitted that because of the personal dispute amongst the parties, all members have been falsely implicated in the present case. Learned counsel submits that the petitioner is not known to be a previous offender. It has been contended that the petitioner is willing to join investigation and abide by any condition imposed by this Court.

Notice of motion.

Mr. Anmol Singh Sandhu, AAG, Punjab accepts notice on behalf of the respondent-State of Punjab. Complete copy of the paper book be supplied to him during the course of the day.

List on 23.08.2023.

In the meantime, the petitioner is directed to join investigation. In the event of arrest, he shall be released on interim bail to the satisfaction of the Arresting/Investigating Officer, subject to compliance of the provisions of Section 438 (2) Cr.P.C."

4. Learned counsel on instructions from petitioner submits that in pursuance of the aforesaid order, he joined investigation and his custodial interrogation is not required by the Police.

5. The above factual position is duly acknowledged by learned State Counsel, on instructions from quarter concerned and fairly submitted that custodial interrogation of the petitioner is not required at this stage.

6. In view of above, interim order dated 21.06.2023 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.
10. Pending criminal misc. application(s), if any, shall also stand disposed off.

23.08.2023
SN

(MAHABIR SINGH SINDHU)
JUDGE

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