

214-1

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

CRM-M-31149-2023 (O&M)**Date of decision : 17.08.2023**

Jaswant Singh

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Ms. R.K. Grewal, Advocate,
for the petitioner.

Mr. Jaiteshwar S. Bhandari, AAG, Punjab,
assisted by SI Balbir Singh.

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.0003 dated 04.01.2023, under Section(s) 323, 148, 149 (Section 308 added subsequently) of the Indian Penal Code, 1860 (for short, '*the IPC*'), registered at Police Station Hathur, District Ludhiana.

2. Above FIR was registered on the basis of statement made by one Jagtar Singh, with the allegations that petitioner along with other co-accused gave injuries to the complainant.

3. This Court, on 03.07.2023, granted interim bail to petitioner and relevant part of the same is recapitulated as under:-

“Status report by way of affidavit of Mr. Rachhpal Singh, PPS, DSP, Raikot, District Ludhiana (Rural), filed by learned State counsel, is taken on record. Copy thereof supplied to the other side.

Registry will do the needful.

Perusal of para 11 of the aforesaid affidavit reveals that a cross-version has been recorded at the instance of accused-petitioner vide DDR No.33 dated 04.01.2023 under Sections 323, 148 & 149 of the Indian Penal Code, 1860 (for short, ‘the IPC’) and during investigation, offence under Section 325 IPC was also added.

Learned counsel for the petitioner submits that offence under Section 308 IPC was added after a period of 01 (one) months i.e. on 03.02.2023 and moreover, injuries to that effect are not attributed to the petitioner.

Learned State counsel seeks time to verify the above factual position.

Posted on 17.08.2023.

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. Contends that in terms of the aforesaid order, petitioner 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 is not required at this stage.

6. In view of above, interim order dated 03.07.2023 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.

17.08.2023

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**(MAHABIR SINGH SINDHU)
JUDGE**

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