

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

210

CRM-M-31169-2023 (O&M)
Date of decision: 17.07.2023

GURBAAJ SINGH

....Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present : Mr. Munish Behl, Advocate for the petitioner.

Mr. Kumar Gaurav, Advocate with
Mr. Shubham Aggarwal, Advocate
for the complainant.

Mr. Vinay Phogat, DAG, Haryana.

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.263 dated 09.05.2023, under Sections 323, 324, 34 and 506 of the Indian Penal Code, (Section 326 IPC added later on), registered at Police Station Mahesh Nagar, District Ambala.

(2) It transpires that above FIR was registered on the basis of statement made by complainant-Vansh to the effect that he alongwith his friend were riding on a motorcycle. Three boys came on motorcycle from behind and hit him with some sharp object on right side of his ear. They also caused injury to his friend and threaten to kill us.

(3) The Coordinate Bench, vide order dated 26.06.2023, granted interim bail to petitioner and the same reads as under:-

“Petitioner prays for pre-arrest bail in FIR No.263, dated 09.05.2023, registered under Sections 323, 324, 34 & 506 IPC (Section 326 IPC added later on), at Police Station Mahesh Nagar, District Ambala.

Learned counsel representing the petitioner inter alia contends that no specific role is attributed to the petitioner and a coaccused Parth Bakshi has been granted the concession of interim bail by a Co-ordinate Bench of this Court vide order dated 16.06.2023.

Notice of motion.

On asking of the Court, Mr. Samarth Sagar, Addl. AG, Haryana, accepts notice on behalf of the State.

Mr. Shubham Aggarwal, Advocate, enters appearance on behalf of the first informant.

List on 16.07.2023.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) 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) The above factual position is duly acknowledged by learned State Counsel, on instructions from HC Rajesh Kumar and further stated that custodial interrogation of the petitioner is not required at this stage.

(6) In view of above, interim order dated 26.06.2023 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.

(MAHABIR SINGH SINDHU)
JUDGE

July 17, 2023
Amandeep

Whether speaking/reasoned

:

Yes / No

Whether reportable

:

Yes / No