

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

**CRM-M-31472-2023 (O&M)
Date of decision : 16.08.2023**

Jagi Singh @ Jagi

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Ashutosh Pandey, Advocate for
Mr. J.S.Jaidka, Advocate for the petitioner.

Mr. Joginder Pal Ratra, DAG, 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.16 dated 22.03.2023, under Sections 326, 324, 34 of the Indian Penal Code, 1860, registered at Police Station Purana Shalla, District Gurdaspur.

(2) Above FIR was registered on the basis of statement dated 22.03.2023 made by complainant-Nipun Dutta with the allegations that on 13.02.2023 at about 9:30 PM, when he was crossing in front of the tavern of Pawan Kumar of the village, his son, namely, Sunil Kumar @ Sunny and Jaggi Singh @ Jaggi (petitioner) came out. Petitioner asked him to get them

provided liquor on cheaper rates. An altercation took place between them. Meanwhile, Sunil Kumar @ Sunny allegedly brought a *Dattar* from the said Tavern and handed over the same to petitioner while exhorting him to hit the same on the head of complainant. Petitioner tried to do the same, but when the complainant raised his hands, the said *Dattar* hit on his right wrist. Petitioner gave another blow on the left wrist. On raising alarm by the complainant, the accused fled away from the spot along with their weapon.

(3) This Court, vide order dated 03.07.2023, granted interim bail to petitioner and the same reads as under:-

“Contends, inter alia, that there is a delay of 36 days in registration of the FIR.

Notice of motion.

On asking of the Court, Mr. Adhiraj Singh, AAG, Punjab accepts notice on behalf of the respondent and seeks time to have instructions and/or file written response in the matter.

Posted for 16.08.2023.

In the meanwhile, petitioner will join investigation before the Investigating Officer. In the event of his arrest, the Arresting Officer would admit him to interim bail in the present case, till the next date of hearing, on his furnishing adequate bail and surety bonds to his satisfaction. The petitioner is also directed to abide by all the conditions as envisaged under Section 438(2) of 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 Mohinder Pal, submits that petitioner has joined investigation and as on today, his custodial interrogation is not required.
- (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.

August 16th, 2023
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

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