

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

CRM-M-31561-2023

Date of decision : 08.11.2023

Kulwinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Gagandeep Singh Simble, Advocate for the petitioner.

Mr. Jaiteshwar S. Bhandari, AAG, Punjab.

Mr. Deepak Aggarwal, Advocate for the petitioner.

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.38 dated 17.04.2023, under Section 82 of Registration Act 1908 (wrongly written as Registration Act 1977 in FIR) and Sections 420, 466, 468, 471, 474, 120B of the Indian Penal Code, 1860, registered at Police Station Phool (Phul), District Bathinda.

(2) Allegations against the petitioner is that accused-Balwinder Singh Sidhu got the two sale deeds registered in his favour by getting the original owners impersonated and the petitioner is the attesting witness of the sale deeds

(3) This Court, while issuing notice of motion on 04.07.2023, granted interim bail to the petitioner and which reads as under:-

“Contends, inter alia, that co-accused Balwinder Singh Sidhu, has already been granted concession of interim anticipatory bail by the Coordinate Bench, vide order dated 14.06.2023 passed in CRM-M-27516-2023.

Notice of motion for 08.08.2023.

To be heard along with CRM-M-27516-2023.

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 police officer present in the Court, also acknowledged that petitioner has joined investigation and as on to-day, his custodial interrogation is not required.
- (6) Although learned Counsel for the complainant has opposed the prayer; but keeping in view the fact that State does not require any custodial interrogation of petitioner, therefore, the objection in this regard is rejected.
- (7) In view of above, interim order dated 04.07.2023 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.
- (8) It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.
- (9) 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.
- (10) It is made clear that in case of any recurrence on the part of the petitioner, the State of Punjab would be at liberty to move an application for recalling of this order.
- (11) Disposed off accordingly.

November 08th, 2023
Harish Kumar

(MAHABIR SINGH SINDHU)
JUDGE

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