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

**CRM-M-31923-2023 (O&M)
Date of Decision: 29.08.2023**

KULWINDER SINGH**.. Petitioner****Vs.****STATE OF PUNJAB****..Respondent****CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU**

Present: Mr. Arshdeep Singh Brar, Advocate for the petitioner.

Mr. Joginder Pal Ratra, Sr. DAG, Punjab.

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MAHABIR SINGH SINDHU, J.

1. 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.103 dated 15.06.2023, under Sections 379, 430, 451 and 506 of the Indian Penal Code, 1860 and Section 3 of the Prevention of Damage to Public Property Act, 1984, registered at Police Station Baghapurana, District Moga.

2. Above FIR was registered on the basis of statement made by complainant Sandeep Goyal with the allegations that petitioner has merged government land in his own property and has committed theft of the public property by concealing the bricks and has also caused damage to water course.

3. This Court, vide order dated 06.07.2023, granted interim bail to petitioner and the same reads as under:-

“Contends inter alia that dispute is primarily of civil nature between the parties and complaint at the instance of petitioner is already pending with the Authorities.

Notice of motion.

On asking of the Court, Mr. Joginder Pal Ratra,

DAG, Punjab accepts notice on behalf of the respondent and seeks time to have instructions and/or file written response in the matter.

Posted for 23.08.2023

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 Gurcharan Singh submits that petitioner has joined investigation and as on today, his custodial interrogation is not required.
6. In view of above, interim order dated 06.07.2023 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.

29.08.2023
Jasmine Kaur

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No