

**213 IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH****CRM M-32250-2023 (O&M)****Date of Decision: 20.07.2023**

Mohammad Kamil Qureshi @ Kamil Qureshi @ Bunty

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Sukhdev Singh Khokher, Advocate,
for the petitioner.

Mr. Gurlal Singh Dhillon, AAG, Punjab
assisted by ASI Ashok Kumar.

MAHABIR SINGH SINDHU. J.

Present petition has been filed under Section 438 of the Code of Criminal Procedure (for short “Cr.P.C”) for grant of pre-arrest bail to the petitioner in FIR No.125 dated 21.04.2023, under Sections 304 read with Section 34 IPC registered at Police Station Dera Bassi, District SAS Nagar.

2. Above FIR is registered by complainant Surinder Singh with the allegations that his brother (Manak Singh) was working in a company under the name and style M/s Federal Agro Meat Plant, Behda, Police Station Derabassi, District SAS Nagar. On 21.04.2023 at about 4.00 pm, he died due to inhaling of poisonous gas. Petitioner is Ex-Director of the company and as such he had the knowledge that upon sudden picking up of lid of the pit, any person can die due to oozing out of poisonous Gas.

3. This Court vide order dated 07.07.2023, granted interim bail to petitioner and the same reads as under:-

“Contends inter-alia that co-accused with similar allegations has already been granted the concession of interim pre-arrest bail by this Court.

Notice of motion.

Mr. Joginder Pal Ratra, Sr. DAG, Punjab, accepts notice on behalf of the respondent and seeks time to have instructions and/or file written response.

In the meanwhile, petitioner will join investigation before the Investigating Officer as and when called. In the event of his arrest, the Arresting Officer would admit him to interim bail, 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.

To be heard along with CRM-M-30372-2023 on the date already fixed i.e. 13.07.2023.”

4. Learned counsel on instructions from petitioner submits that in pursuance of the aforesaid order, he joined investigation and his custodial interrogation is not required by the Police.

5. The above factual position is duly acknowledged by learned State Counsel, on instructions from quarter concerned and fairly submitted that custodial interrogation of the petitioner is not required at this stage.

6. In view of above, interim order dated 07.07.2023 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.

10. Pending criminal misc. application(s), if any, shall also stand disposed off.

20.07.2023
SN

(MAHABIR SINGH SINDHU)
JUDGE

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