

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

CRM-M-33698-2023 (O&M)

Date of decision : 06.09.2023

Raj Kumar @ Bobby

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Manmeet Singh Rana, 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.86 dated 28.05.2023, under Sections 379-B/34 of the Indian Penal Code, 1860, registered at Police Station Jalandhar, District Jalandhar.

(2) Above FIR was registered on the basis of statement made by complainant-Kuldeep Singh with the allegations that while he was going to deliver milk at Jamsher Dairies from village Pholriwal, on Activa Scooter, three motorcyclists with muffled faces armed with *datars* waylaid the complainant. One of the assailants inflicted *datar* blows to the complainant and fled away after snatching Rs.3550/-.

(3) This Court vide order dated 27.07.2023, granted interim bail to petitioner and the same reads as under:-

“Contends inter alia that the petitioner was not named in the FIR; rather nominated in the present case on the basis of disclosure made by co-accused, namely, Aizck Masih.

Learned State counsel shall verify the status of pending case(s) against the petitioner.

Posted on 06.09.2023.

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 Abtar 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 27.07.2023 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.

06.09.2023

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(MAHABIR SINGH SINDHU)

JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable: Yes/No