

208 **IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

CRM M-35946-2023 (O&M)

Date of Decision: 04.09.2023

Gurnaib Singh @ Naibi

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Ashish Soi, Advocate for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab
for the respondent.

Mr. Gurmeet Singh, Advocate for the complainant.

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.38 dated 18.06.2023, under Sections 308, 323 of Indian Penal Code, 1860 (for short “IPC”) and Section 325 IPC added later on, registered at Police Station Sadar Rampura, Bathinda.

2. Petitioner has been nominated in the present case on the basis of statement of complainant Chamkaur Singh with the allegations that he caused injuries to the complainant with an axe.

3. This Court vide order dated 02.08.2023, granted interim bail to petitioner and the same reads as under:-

“While making reference to MLR (P-2) contends inter alia that that all three injuries are simple in nature and there is no head injury allegedly inflicted to the injured.

Learned State counsel seeks time to verify the aforesaid fact. Posted on 04.09.2023.

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 Code of Criminal Procedure, 1973 ”

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 ASI Karam Singh, fairly submitted that custodial interrogation of the petitioner is not required at this stage.

6. On the other hand, learned counsel for the complainant vehemently opposed the prayer.

7. Since petitioner has already joined investigation and his custodial interrogation is not required by the police at this stage; therefore, the objection raised by learned counsel for the complainant is rejected.

8. In view of the above, interim order dated 02.08.2023 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.

9. It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.

10. 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.

11. Disposed off accordingly.
12. Pending criminal misc. application(s), if any, shall also stand disposed off.

04.09.2023
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(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable: Yes/No