

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

**CRM-M-36953-2023 (O&M)
Date of decision : 05.09.2023**

Gurmeet Singh

...Petitioner(s)

Versus

State of Punjab and another

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Deepak Aggarwal, Advocate for the petitioner.

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

Mr. Judgepreet Singh Warraing, Advocate for the complainant.

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.141 dated 20.07.2023, under Sections 307, 323, 148, 149 of the Indian Penal Code, 1860, registered at Police Station Talwandi Sabo, District Bathinda.

(2) Above FIR was registered on the basis of statement made by complainant-Daljit Singh with the allegations that on 08.07.2023 at about 08:45 PM, he was present in his house and heard noise of breaking of his gate and fire in the air. He came out and saw that Harpreet Singh of his

village was firing in the air; whereas his father, namely, Shamsheer Singh, armed with *Gandasa*, along with two other unknown persons, armed with *Gandasa* & Swords, were going towards a White Colour Car. Shamsheer Singh raised a *lalkara* and Harpreet Singh fired in the air from his pistol towards the house of complainant. Then all accused fled away from the spot.

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

“Contends inter alia that there is no injury attributed to the petitioner attracting offence under Section 307 IPC; rather FIR has been registered as a counterblast to the bail order dated 20.07.2023 (P-4) passed by learned Additional Sessions Judge, Bathinda.

Learned State counsel seeks time to place on record the medico-legal report of the complainant.

Posted on 05.09.2023.

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 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 HC Randhir Singh, submits that petitioner has joined investigation and as on today, his custodial interrogation is not required.

- (6) Learned Counsel for the complainant has opposed the prayer; but keeping in view the fact that learned State Counsel is not asking for the custodial interrogation, therefore, the objection in this regard is rejected.
- (7) In view of above, interim order dated 02.08.2023 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) Disposed off accordingly.
- (11) Pending application(s), if any, shall also stand disposed off.

September 5th, 2023
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>