

**102+210 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-37129-2023 (O&M)
Date of decision : 21.11.2023

Vipin

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present : Mr. Yogesh Goyal, Advocate, for the petitioner.

Mr. Jiteshwar S. Bhandari, AAG, Punjab.

Mr. Lakshay Bector, Advocate, for the complainant.

MAHABIR SINGH SINDHU, J.

CRM-45389-2023

Application for permission to place on record copies of Order dated 05.09.2023 and Order dated 09.10.2023 as Annexure P-6 and P-7.

Application is allowed, subject to all just exceptions.

Documents Annexures P-7 and P-7 are taken on record.

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Petition under Section 438 of the Code of Criminal Procedure, 1973, has been filed for grant of pre-arrest/anticipatory bail to the petitioner in FIR No.168 dated 03.11.2022, under Sections 307, 323, 341, 148 read with Section 149 IPC, registered at Police Station, Punjab Agricultural University (PAU), Ludhiana.

2. Above FIR was registered on the basis of statement made by complainant Amriit Kaur that his son, namely, Sandeep Singh sustained injuries and he was taken to Mahal Multispecialty Hospital, South City, Ludhiana.

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3. This Court, on 01.08.2023, granted interim bail to petitioner and relevant part of the same is recapitulated as under:-

“Contends that no injury has been attributed to the petitioner and moreover, 02 (two) co-accused with similar allegations, namely, Ram Sewak @ Ram @ Kaka and Deepak have already been granted the concession of pre-arrest bail in CRM-M-30394-2023 (by this Court) & CRM-M-26525-2023 (by the Coordinate Bench), respectively.

Notice of motion.

Mr. Joginder Pal Ratra, Sr. DAG, Punjab, accepts notice and seeks time to have instructions and/or file written response in the matter.

Posted on 13.09.2023.

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. Contends that in terms of the aforesaid order, petitioner has already joined investigation and his custodial interrogation are not required.

5. Above factual position is duly acknowledged by learned State Counsel, on instructions from ASI Dimple, and further stated that custodial interrogation of the petitioners is not required at this stage.

6. On the other hand, learned counsel for the complainant vehemently opposed the prayer of petitioner on the premise that two accused,

namely, Ram Sewak @ Ram @ Kaka and Deepak were granted the benefit of regular bail; whereas petitioner is claiming pre-arrest bail. He also submits that no specific role was attributed to the aforesaid two co-accused i.e. Ram Sewak @ Ram @ Kaka and Deepak, but petitioner is specifically named. However, on asking of the Court, learned State counsel acknowledged on instructions that there is no specific allegation against the petitioner. Moreover, learned State counsel is not asking for custodial interrogation of petitioner, therefore, the objection raised by learned counsel for the complainant is overruled; hence, rejected.

7. In view of the above, interim order dated 01.08.2023 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.

21.11.2023
anil

(MAHABIR SINGH SINDHU)
JUDGE

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