

207-2 **IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

CRM M-37590-2023 (O&M)
Date of Decision: 18.08.2023

Saurav @ Noni

.....Petitioner

Versus

State of UT, Chandigarh

.....Respondent

CORAM: HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Amit Kumar, Advocate,
for the petitioner.

Mr. Ankur Bali, APP, UT, Chandigarh.

Ms. Gauri Handa, 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. 47 dated 28.04.2023, under Sections 147, 148, 149, 324, 323 and 506 IPC (Section 307 IPC added later on) registered at Police Station Maloya, Chandigarh.

2. Allegations in brief are that on 25/26.04.2023, when complainant Raj Kumar was near Trikona Park Dadu Majra Colony, petitioner alongwith Sahil, Sweety, Roopa, Zoom, Varun, Santy-Kancha alongwith 2/3 persons stopped and started abusing him. They caused injuries to him on his back and head with knives, slagger and sticks.

3. This Court vide order dated 03.08.2023, granted interim bail to petitioner and the same reads as under:-

“Contends inter-alia that with similar allegations co-accused, namely, Yogesh @ Sweety has already been granted the concession of interim pre-arrest bail in CRM-M-29802-2023.

Notice of motion for 18.08.2023.

To be heard along with CRM-M-29802-2023.

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 quarter concerned and fairly submitted that custodial interrogation of the petitioner is not required at this stage.

6. Although, learned counsel for complainant objected to the prayer of the petitioner, but since U.T. Chandigarh is not asking for custodial interrogation, therefore, the objection of complainant stands rejected. Consequently, interim order dated dated 03.08.2023 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.

18.08.2023
SN

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable: Yes/No