

213 IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARHCRM M-37539-2023 (O&M)
Date of Decision: 06.09.2023

Gautam

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Gursharan Singh, Advocate for
Mr. Anmol Jeevan Singh Gill, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

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.0071 dated 20.04.2023 under Sections 307, 148 and 149 of Indian Penal Code, 1860 (for short ‘IPC’) and Section 379-B(2) IPC added later on, registered at Police Station Chheharta, District Amritsar.

2. Allegations against the petitioner are that he along with other co-accused had caused various injuries to the employee’s of the Vijay Filling Station and fled without making payment.

3. This Court vide order dated 04.08.2023, granted interim bail to petitioner and the same reads as under:-

“Contends inter-alia that as per opinion of the doctor (P-1), all six injuries were found to be simple in nature.

*Learned State counsel seeks time to have instructions in the matter.
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 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 Harjinder Singh and fairly submitted that custodial interrogation of the petitioner is not required at this stage.

6. In view of the above, interim order dated 04.08.2023 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 application(s), if any, shall also stand disposed off.

06.09.2023

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(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned :

Yes/No

Whether Reportable:

Yes/No