

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

CRM-M-37653-2023 (O&M)

Date of Decision: 06.09.2023

Aslam

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Amardeep Singh Gill, Advocate for the petitioner.

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

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.96 dated 15.06.2023 under Sections 379-B and 34 of Indian Penal Code, 1860 (for short ‘IPC’), registered at Police Station Sadar Jalandhar, Police Commissionerate Jalandhar.

2. As per allegations, on 13.06.2023 at about 10.40 a.m., petitioner along with his accompish Johson @ Guglee waylaid the complainant-Subhash Chander Sharma and snatched his purse, containing Rs.18,000/- cash, Aadhar Card, Driving License as well as other valuable documents.

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

“Contends inter-alia that present FIR has been registered after two days of the occurrence and there is no other criminal case pending against the petitioner.

Notice of motion for 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 Sukhwinder 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 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 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