

ITEM NO.216

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

2023:PHHC:164968
CRM-M-38899 of 2023 (O&M)
Date of decision : 21.12.2023

Ranbir Singh

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr.Rishu Mahajan, Advocate for the petitioner.

Mr.C.L.Pawar, Addl.Advocate General, Punjab.

Ms.Pratham Duggall, Advocate for the complainant.

MAHABIR SINGH SINDHU, J.

Petition under Section 438 of the Code of Criminal Procedure, 1973 has been filed for grant of pre-arrest bail to the petitioner in FIR No.67 dated 15.07.2023, under Sections 326,324,323 IPC registered at Police Station Nakodar, Jalandhar.

2. Allegations are that petitioner caused grievous injuries to his wife-complainant.

3. This Court, on 09.08.2023, granted interim bail to petitioner and relevant part of the same is recapitulated as under:-

“Contends inter alia that dispute is inter se husband and wife.

Notice of motion.

Mr. Jaiteshwar S.Bhandari, AAG Punjab, accepts notice on behalf of the respondent-State and seeks time to have instructions and/or file written response in the matter.

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 the Code of Criminal Procedure, 1973.”

4. Contends that in terms of the aforesaid order, petitioner has already joined investigation and his custodial interrogation is not required.
5. Above factual position is duly acknowledged by learned State Counsel, on instructions from ASI Lakhvir Singh and further stated that custodial interrogation of the petitioner is not required at this stage.
6. On the other hand, learned counsel for the complainant vehemently opposed the prayer of the petitioner. Since learned counsel is not asking for custodial interrogation of the petitioner, therefore, the objection raised by learned counsel for the complainant is overruled; hence, rejected.
7. In view of above, interim order dated 09.08.2023 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.

Disposed off accordingly.

11. Pending application(s), if any, shall also stand disposed off.

21.12.2023
Meenu

(MAHABIR SINGH SINDHU)
JUDGE

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