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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-39824-2023 (O&M)
Date of Decision: 21.09.2023

GURSAHIL SINGH

.. Petitioner

Vs.

STATE OF PUNJAB AND ANOTHER

..Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Ms. Amarjot Kaur, Advocate for the petitioner.

Mr. Amish Sharma, AAG, Punjab.

Mr. Rajveer Singh, Advocate
for respondent No.2.

...

MAHABIR SINGH SINDHU, J.

Present petition under Section 438 of the Code of Criminal Procedure has been filed for grant of pre-arrest bail to the petitioner in FIR No.100 dated 31.05.2023, under Sections 324, 148 and 149 of the Indian Penal Code, 1860 (Sections 307 and 326 IPC added later on) registered at Police Station Dinanagar, District Gurdaspur.

2. Above FIR was registered on the basis of statement made by complainant Pankit Seria with the allegations that petitioner along with his co-accused inflicted injuries on him.

3. This Court, vide order dated 23.08.2023 granted interim bail to petitioner and the same reads as under:-

“....Contends inter alia that matter has been compromised between the parties i.e. petitioner as well as respondent No.2 at their own level.

Posted for 21.09.2023.

In the meanwhile, petitioner shall join

investigation before the Investigating Officer. In the event of arrest, the Arresting Officer would admit him to interim bail in the present case, till the next date of hearing, on furnishing adequate bail and surety bonds to his satisfaction. The petitioner is also directed to abide by all the conditions as envisaged under Section 438(2) of 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 the police officer present in Court and further stated that custodial interrogation of the petitioner is not required at this stage.
6. Learned counsel for the complainant has also admitted the factum of amicable settlement between the parties and states that he would have no objection, in case, prayer made by the petitioner is accepted.
7. In view of above, interim order dated 23.08.2023, 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 or settlement, if any; rather confined only to decide the present bail matter.
10. Disposed off accordingly.
11. Pending applications, if any, also stand disposed off.

21.09.2023

Jasmine Kaur

(MAHABIR SINGH SINDHU)

JUDGE

Whether speaking/reasoned

Whether reportable

Yes

No

Yes

No