

2023:PHHC:129193

209 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-43639-2023 (O&M)
Date of decision: 05.10.2023

GOBINDA SINGH @ GOBIND SINGH

...Petitioner

V/s

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Arihant Goyal, Advocate
 for the petitioner.
 Mr. C.L. Pawar, Addl. AG, Punjab.

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.0052 dated 09.09.2022, under Sections 458, 323, 325, 506, 148 and 149 of the Indian Penal Code, 1860, registered at Police Station Bhadaur, District Barnala.

2. Above FIR was registered on the basis of statement made by complainant-Dev Singh with the allegations that petitioner along with other co-accused persons entered into the house of the complainant, gave beatings to the complainant and his elder son Kirtan Singh and then hurled abuses to his wife and daughter-in-law.

3. This Court, vide order dated 02.09.2023, granted interim bail to petitioner and the same reads as under:-

*“Contends, inter alia, that 05 co-accused with similar allegations, have already been granted the concession of pre-arrest bail by this Court (P-3 to P-7).
Notice of motion.*

Mr. Amish Sharma, 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 04.09.2023.

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. Learned Counsel submits that in pursuance of the aforesaid order, petitioner has already joined the investigation and his custodial interrogation is not required.
- 5. Learned State Counsel, on instructions from Investigating Officer, submits that petitioner has joined investigation and as on today, his custodial interrogation is not required.
- 6. In view of above, interim order dated 02.09.2023 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 applications, if any, also stand disposed off.

(MAHABIR SINGH SINDHU)
JUDGE

05.10.2023

Ajay Goswami

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No