

210 (2nd case)

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M-42715-2023 (O&M)
Date of decision : 25.09.2023**

Devender @ Chotta

...Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Saurabh Dalal, Advocate for
Mr. Sankalp Gehlawat, Advocate for the petitioner.

Mr. Kiran Pal Singh, AAG, Haryana for the respondent.

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.81 dated 09.03.2023, under Sections 148, 149, 307, 427 of the Indian Penal Code, 1860 and Section 25 of the Arms Act, 1959 registered at Police Station Sector-6, Bahadurgarh, District Jhajjar.

(2) Above FIR was registered on the basis of statement made by complainant-Mohit with the allegations that petitioner along with other co-accused inflicted injuries to him and his brother.

(3) This Court, vide order dated 28.08.2023, granted interim bail to petitioner and the same reads as under:-

“Contends inter-alia that similar matter is pending for consideration on 25.09.2023.

Notice of motion.

To be heard along with CRM-M-37946-2023 on 25.09.2023.

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 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, submits that there are two other criminal cases pending against the petitioner; but he acknowledged that petitioner has joined investigation and as on today, his custodial interrogation is not required.

(6) In view of above, interim order dated 28.08.2023 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) However, in case there is any recurrence on the part of petitioner, State of Haryana would be at liberty to move an appropriate application for recalling of this order.
- (11) Pending applications, if any, shall also stand disposed off.

September 25th, 2023
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>