

CRM-M-43209-2023 (O&M)

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216 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-43209-2023 (O&M)
Date of decision : 22.11.2023

Manish Kumar Vij

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present : Mr. D.S.Malwai, Advocate,
for the petitioner.

Mr. C.L.Pawar, Additional Advocate General, Punjab,
for the respondent.

Mr. Gaurav Sethi, 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.97 dated 01.08.2023, under Sections 307, 427, 323, 148 read with Section 149 of the Indian Penal Code, 1860, and Sections 25 and 27 of the Arms Act, 1959, registered at Police Station Zira, District Ferozepur.

2. Above FIR was registered on the basis of statement made by one Deepak Kumar Bhargo with the allegations that petitioner along with his companion inflicted grievous injuries to him with an intention to kill. Petitioner also fired gun shot upon the complainant party.

3. This Court, on 25.09.2023, granted interim bail to petitioner and relevant part of the same is recapitulated as under:-

“Learned Counsel for the petitioner, while making reference to the MLR dated 01.08.2023, submits that during the same very occurrence, petitioner suffered grievous injuries and DDR No.34 dated 01.08.2023 (P-2) in this regard has already been registered.

Learned State Counsel shall apprise the status of investigation in the matter.

Posted for 22.11.2023.

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 ASI Balwinder 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 petitioner. Since learned State counsel is not asking for custodial interrogation of petitioner, therefore, the objection raised by learned counsel for the complainant is overruled; hence, rejected.
7. In view of the above, interim order dated 25.09.2023 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.

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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.
10. Disposed off accordingly.

22.11.2023
adhikari

(MAHABIR SINGH SINDHU)
JUDGE

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