

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

**CRM-M-44897-2023 (O&M)
Date of decision : 11.10.2023**

Navpreet Singh & Ors.

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. G.S. Bajwa, Advocate for the petitioners.

Mr. Jaiteshwar S. Bhandari, AAG, Punjab
for the respondent-State.

Mr. Ritesh K. Sharma, Advocate for
Mr. B.S. Batth, Advocate
for respondents No.2 to 4.

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.49 dated 16.07.2023, under Sections 323, 325, 427, 148, 149 IPC (Section 452 IPC added later on), registered at Police Station Tarsikka, Amritsar Rural.

(2) Allegations are that petitioners forcibly entered into the shop of complainant armed with iron rods as well as other weapons and inflicted injuries to the complainant and his wife.

(3) This Court vide order dated 11.09.2023, granted interim bail to petitioners and the same reads as under:-

“Learned counsel on instructions from petitioners submits that petition qua Navpreet Singh @ Sunny (Petitioner No.1) be disposed off as not pressed.

Ordered accordingly.

Contends inter-alia that no injury has been attributed to petitioners No.2 to 4; nor any other criminal case is pending against them.

Notice of motion.

On the asking of the Court, Mr. Joginder Pal Ratra, Sr. DAG, Punjab accepts notice on behalf of respondent-State and seeks time to verify the above factual position.

In the meanwhile, petitioners No. 2 to 4 shall join investigation before the Investigating Officer. In the event of their arrest, the Arresting Officer would admit them to interim bail, till the next date of hearing, on furnishing adequate bail and surety bonds to his satisfaction. Petitioners No.2 to 4 shall also abide by all the conditions as envisaged under Section 438(2) of Code of Criminal Procedure, 1973.

At this, stage, Mr. B.S. Batth, Advocate, appears on behalf of the complainant. He is at liberty to file response regarding complicity of petitioners No.2 to 4, if so desired.

Posted on 11.10.2023.”

(4) Learned Counsel submits that in pursuance of the aforesaid order, petitioners have already joined the investigation and their custodial interrogation is not required.

(5) Learned State Counsel, on instructions from ASI Hazara Singh, submits that petitioners have joined investigation and their custodial interrogation is not required.

(6) On the other hand, learned counsel for the complainant vehemently opposed the prayer of the petitioners, but the State of Punjab is not asking for custodial interrogation; therefore, the objection raised by the complainant is rejected.

(7) In view of above, interim order dated 11.09.2023 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.

(8) It is also made clear that petitioners 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.

11.10.2023

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(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable: Yes/No