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

**CRM-M-44290-2023 (O&M)
Date of Decision: 09.10.2023**

VIVEK KUMAR
Vs.

.. Petitioner

STATE OF PUNJAB

..Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Amandeep Singh, Advocate for the petitioner.

Mr. Joginder Pal Ratra, Sr. DAG, 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.168 dated 03.11.2022 under Sections 307, 323, 341, 148 and 149 of the Indian Penal Code, 1860, registered at Police Station PAU, District Ludhiana.

2. Above FIR was registered on the basis of statement made by complainant Amarjit Kaur with the allegations that petitioner in connivance with his co-accused caused injuries to her son, namely, Sandeep Singh.

3. This Court, vide order dated 05.09.2023, granted interim bail to petitioner and the same reads as under:-

“Contends inter-alia contends that as per allegations in the FIR, no injury has been attributed to the petitioner and moreover, co-accused with similar allegations has already been granted the concession of pre-arrest bail in CRM-M-30394-2023.

Notice of motion for 09.10.2023.

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 from ASI Dimple, submits that petitioner has joined investigation and as on today, his custodial interrogation is not required.
6. In view of above, interim order dated 05.09.2023 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.

09.10.2023
Jasmine Kaur

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No