

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

CRM-M-44352-2023 (O&M)

Date of decision : 09.10.2023

Gursharan Singh and Anr.

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. K.S. Sidhu, Senior Advocate with
Mr. Praagbir S. Dhindsa, Advocate and
Mr. Kartik Bansal, Advocate for the petitioners.

Mr. C.L. Pawar, Addl. A.G. Punjab
for the respondent.

MAHABIR SINGH SINDHU, J.

Present petition under Section 438 read with Section 482 of the Code of Criminal Procedure has been filed for grant of pre-arrest bail to the petitioners in FIR No.116 dated 08.08.2023, under Sections 186, 353, 506 IPC and Section 136 of Electricity Act, 2003 and Section 3 of Prevention of Damage to Public Property Act, 1984, registered at Police Station Lalru, District SAS Nagar.

(2) Above said FIR was registered on the basis of statement made by complainant-Sohan Lal with the allegations that the petitioners restricted the Government Employee from performing their official duty.

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

“Notice of motion for 09.10.2023.

In the meanwhile, petitioners 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. The petitioners 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, petitioners have already joined the investigation and their custodial interrogation is not required.

(5) Learned State Counsel, on instructions from HC Kuldeep Singh, submits that petitioners have joined investigation and their 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.

09.10.2023

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(MAHABIR SINGH SINDHU)
JUDGE

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