

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

**CRM-M-44912-2023 (O&M)
Date of decision : 16.10.2023**

Yodha Singh @ Jodha Singh

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Balraj Singh Sidhu, Advocate for the petitioner.

Mr. Joginder Pal Ratra, Sr. DAG, Punjab
for the respondent.

MAHABIR SINGH SINDHU, J.

Present 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.74 dated 20.05.2022, under Sections 379, 447, 511 & 427 of the Indian Penal Code, 1860, registered at Police Station Nathana, District Bathinda.

(2) Above FIR was registered on the basis of statement made by complainant-Kulwinder Singh with the allegations that on 20.05.2022 at

about 05:00 AM, petitioner along with other co-accused, armed with pistol and other deadly weapons, made an attempt to run over the complainant party under their tractors. However, they damaged the motorcycle and took away one spade, one bag of fertilizer and starter of the tubewell while threatening the complainant party.

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

“Learned counsel inter alia contends that co-accused of the petitioner have already been granted the concession of pre arrest bail by learned Sessions Court and there is no other criminal case pending against the petitioner.

Notice of motion.

On the asking of the Court, Mr. Joginder Pal Ratra, Sr. DAG, Punjab, accepts notice on behalf of respondent-State.

Learned State counsel will verify the above factual position.

Posted for 16.10.2023.

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) 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 Vishnu Dass, acknowledged that petitioner has joined investigation and as on today, his custodial interrogation is not required.
- (6) 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.
- (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 Punjab would be at liberty to move an appropriate application for recalling of this order.
- (11) Pending applications, if any, shall also stand disposed off.

October 16th, 2023

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(MAHABIR SINGH SINDHU)
JUDGE

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