

CRM-M-48916-2023 (O&M)

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219 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-48916-2023 (O&M)
Date of decision : 23.11.2023

Sukhjinder Singh @ Sukha

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present : Ms. Amarjot Kaur, Advocate,
for the petitioner.

Mr. Joginder Pal Ratra, Sr. DAG, Punjab,
for respondent No.1.

Ms. Samriti Singh, Advocate,
for respondent No.2.

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.100 dated 31.05.2023, under Sections 324 and 148 read with Section 149 of the Indian Penal Code, 1860, (Sections 307 and 326 of the IPC were added later on), registered at Police Station Dinanagar, District Gurdaspur.

2. Above FIR was registered on the basis of statement made by one Pankit Seria with the allegations that petitioner along with his companions inflicted grievous injuries to him with an intention to kill.

3. This Court, on 16.10.2023, granted interim bail to petitioner and relevant part of the same is recapitulated as under:-

“Contends inter alia that matter has been compromised between the petitioner/accused as well as respondent No.2/complainant at their own level.

Notice of motion.

On asking of the Court, Mr. Joginder Pal Ratra, Sr. DAG, Punjab accepts notice on behalf of respondent No.1 and seeks time to have instructions and/or file written response in the matter.

Mr. Rajveer Singh Brar, Advocate has filed Power of Attorney on behalf of respondent No.2.

Posted for 23.11.2023.

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 Gurnam 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 16.10.2023 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.

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.

11. Pending application(s), if any, shall also stand disposed off.

23.11.2023
adhikari

(MAHABIR SINGH SINDHU)
JUDGE

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