

CRM-M-49726-2023 (O&M)

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214 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-49726-2023 (O&M)
Date of decision : 20.11.2023

Lakhwinder Singh and others

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present : Mr. Samaydeen, Advocate, for
Mr. Ghulam Nabi Malik, Advocate,
for the petitioners.

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

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 petitioners in cross case i.e. GD No.035 dated 30.05.2022, under Sections 323, 325, 452, 427, 148 read with Section 149 of the Indian Penal Code, 1860, registered at Police Station Jandiala, District Amritsar Rural.

2. Above FIR was registered on the basis of statement made by one Kashmir Kaur with the allegations that petitioners, along with their companion, caused grievous injuries to her as well as family members and due to which, her son died.

3. This Court, on 03.10.2023, granted interim bail to petitioners and relevant part of the same is recapitulated as under:-

“Contends that it is a case of version and cross-version. Further contends that in the same very occurrence, son of petitioner No.1 also died due to the injuries caused by opposite side.

Notice of motion.

Mr. Jaiteshwar S. Bhandari, AAG, Punjab, accepts notice on behalf of the respondent-State and seeks time to have instructions and/or file written response in the matter.

Posted for 20.11.2023.

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 the Code of Criminal Procedure, 1973.”

4. Contends that in terms of the aforesaid order, petitioners have already joined investigation and their custodial interrogation are not required.

5. Above factual position is duly acknowledged by learned State Counsel, on instructions from ASI Durlabh Singh, and further stated that custodial interrogation of the petitioners are not required at this stage.

6. In view of the above, interim order dated 03.10.2023 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.

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7.

It is also made clear that petitioners 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 application(s), if any, shall also stand disposed off.

20.11.2023
adhikari

(MAHABIR SINGH SINDHU)
JUDGE

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