

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

**CRM-M-50470-2023
Date of decision : 29.11.2023**

Talwinder Singh and others

...Petitioners

Versus

State of Punjab and another

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. R.V.S. Chugh, Advocate for the petitioners.

Mr. Joginder Pal Ratra, Sr. DAG., Punjab.

Mr. Kuldeep, Advocate for

Mr. Rajesh Gupta, Advocate for respondent No. 2.

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 petitioners in FIR No.0088 dated 04.08.2023, under Sections 379B, 353,186,323,506 read with Section 34 of the Indian Penal Code, 1860, registered at Police Station, Jhunir, District Mansa.

(2) Allegations against the petitioners are that they inflicted injuries to the complainant and snatched his mobile phone.

(3) This Court, on 06.10.2023, granted interim bail to the petitioner and which reads as under:-

“Contends that matter has been amicably settled between the parties i.e. petitioners as well as complainant Rahul Kumar and there is no other criminal case pending against the petitioners.

Notice of motion for 29.11.2023.

Mr. Rajesh Gupta, Advocate, appears on behalf of the complainant and admits the factum of compromise.

In the meanwhile, petitioners 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 petitioners shall also abide by all the conditions as envisaged under Section 438(2) of the 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 are not required.
- (5) Learned State Counsel, on instructions from ASI-Paramjit Singh, also acknowledged that petitioners have joined investigation and as on today, their custodial interrogation are not required.
- (6) Although learned Counsel for the complainant has opposed the prayer; but keeping in view the fact that State does not require any custodial interrogation of petitioners; therefore, the objection in this regard is rejected.
- (7) In view of above, interim order dated 06.10.2023 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.
- (8) It is also made clear that petitioners 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) It is made clear that in case of any recurrence on the part of the petitioners, the State would be at liberty to move an application for recalling of this order.
- (11) Disposed off accordingly.
- (12) Pending application(s), if any, shall also stand disposed off.

29.11.2023
Harish Kumar

(MAHABIR SINGH SINDHU)
JUDGE

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