

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

**CRM-M-49521-2023
Date of decision : 06.11.2023**

Baljinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Kamal Narula, Advocate for the petitioner.

Mr. C.L. Pawar, Addl. A.G., Punjab.

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 petitioner in FIR No.31 dated 16.06.2023, under Sections 307, 324, 506, 148 and 149 of the Indian Penal Code, 1860 (later on Section 307 IPC deleted) and Sections 25 & 27 of Arms Act, 1959, registered at Police Station Arif Ke, District Ferozepur.

(2) Allegations are that petitioner along with other co-accused inflicted injuries upon the complainant.

(3) This Court, while issuing notice of motion on 03.10.2023, granted interim bail to the petitioner and which reads as under:-

“Contends that during investigation, police has deleted offence under Section 307 of the IPC, as the alleged injuries are found to be simple in nature.

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 06.11.2023.

In the meanwhile, petitioner shall join investigation before the Investigating Officer. In the event of their 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 petitioner 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, petitioner has already joined the investigation and his custodial interrogation is not required.
- (5) Learned State Counsel, on instructions from police officer present in the Court, also acknowledged that petitioner has joined investigation and as on today, his custodial interrogation is not required.
- (6) In view of above, interim order dated 03.10.2023 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) It is made clear that in case of any recurrence on the part of the petitioner, the State of Punjab would be at liberty to move an application for recalling of this order.
- (10) Disposed off accordingly.

November 06th, 2023
Harish Kumar

(MAHABIR SINGH SINDHU)
JUDGE

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