

CRM-M-49886-2023 (O&M)

-1-

210-2 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-49886-2023 (O&M)
Date of decision : 29.11.2023

Monty Bawa

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present : Mr. C.S.Jattana, Advocate,
for the petitioner.

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

Mr. P.S.Mann, Advocate,
for respondent No.2/complainant.

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.70 dated 11.08.2023, under Sections 306 and 506 of the Indian Penal Code, 1860, registered at Police Station Badali Ala Singh, District Fatehgarh Sahib.

2. Above FIR was registered on the basis of statement made by one Retish Kumar with the allegations that petitioner along with his family members had pressurized his father (Rajesh Kumar) to commit suicide.

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

“Contends that there is no allegation against the petitioner. The co-accused Ranjeet Kaur @ Renu has already been granted the concession of interim pre-arrest bail vide order dated 19.09.2023 passed in CRM-M-44792-2023.

Notice of motion.

Mr. Jaiteshwar S. Bhandari, AAG, Punjab, accepts notice on behalf of respondent No.1-State and seeks time to have instructions and/or file written response in the matter.

In the meanwhile, petitioner 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 petitioner shall also abide by all the conditions as envisaged under Section 438(2) of the Code of Criminal Procedure, 1973.

To be heard along with the aforesaid CRM-M, on the date already fixed i.e. 17.10.2023.”

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 Harbhajan 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 03.10.2023 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.

CRM-M-49886-2023 (O&M)

-3-

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.

29.11.2023
adhikari

(MAHABIR SINGH SINDHU)
JUDGE

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