

101 **IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

CRM M-53068-2023
Date of Decision: 20.12.2023

Gurtaj Singh Petitioner

Versus

State of PunjabRespondent

CORAM: HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Abhiraj Singh Bawaja, Advocate for
Mr. H.S. Sirohi, Advocate for the petitioner.
for the petitioner.

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

None for the complainant.

MAHABIR SINGH SINDHU. J.

Present petition has been filed under Section 438 of the Code of Criminal Procedure (for short "Cr.P.C") for grant of pre-arrest bail to the petitioner in FIR No. 159 dated 29.08.2023, under Sections 308, 323, 341, 294, 506 IPC, registered at Police Station Mataur, District Mohali.

2. Allegations are that petitioner abused complainant-Major Mandeep Singh; gave beatings and inflicted multiple injuries to him.

3. This Court, while issuing notice of motion on dated 20.10.2023, granted interim bail to petitioner and the same reads as under:-

"Contends inter alia that all the injuries are alleged to be simple in nature.

Notice of motion.

Mr. Joginder Pal Ratra, Sr. DAG. Punjab, accepts notice on behalf of the respondent-State and Mr. Tejinderbir Singh, Advocate, accepts notice on behalf of the complainant. Learned State counsel seeks time to have instructions and/or file written response in the matter.

Posted for 07.12.2023

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, 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 Code of Criminal Procedure, 1973."

4. Learned counsel for the petitioner submits that in pursuance of the aforesaid order, he joined investigation and his custodial interrogation is not required by the police.

5. The above factual position is duly acknowledged by learned State Counsel, on instructions from ASI-Lakhbir Singh and fairly submitted that custodial interrogation of the petitioner is not required at this stage.

6. In view of above, interim order dated 20.10.2023 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 appellant, the State would be at liberty to move an application for recalling of this order.

10. Disposed off accordingly.

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

20.12.2023

Harish Kumar

**(MAHABIR SINGH SINDHU)
JUDGE**

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>