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

CRM-M-53270-2023 (O&M)

Date of decision : 19.12.2023

Rahul @ Prabh @ Rinki

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Jagdish Singh Mahal, Advocate,
for the petitioner.

Mr. Kiran Pal Singh, AAG, Haryana.

Mr. Ritesh Pandey, Advocate,
for the 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.0153 dated 26.08.2023, under Sections 324, 323, 341, 148 read with Section 149, 506 of the Indian Penal Code, 1860 (for short, 'the IPC') (Section 326 IPC added subsequently), registered at Police Station, Dinanagar, District Gurdaspur.

2. Allegations are that petitioner along with other co-accused caused injuries to the complainant and other victims.

3. This Court, on 30.10.2023, granted interim bail to petitioner and relevant part of the same reads as under:-

“Contends inter-alia that despite the Medico-legal Report (P-2), no action has been taken by the Police in connivance with the other party.

Notice of motion for 11.12.2023.

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 Code of Criminal Procedure, 1973.

At this stage, Mr. Ritesh Pandey, Advocate, appears on behalf of the complainant.”

4. Contends that in terms of the aforesaid order, petitioner has already joined investigation and his custodial interrogation is not required. Further submits that the matter has been amicably settled between the parties, i.e. petitioner as well as the complainant, at their own level; a petition (CRM-M-61457-2023) for quashing of present FIR on the basis of compromise has already been filed; and the same is pending for 21.03.2024.

5. Above factual position is duly acknowledged by learned State Counsel, on instructions from the police officer present in Court and further stated that custodial interrogation of the petitioner is not required at this stage.

6. Learned counsel for the complainant has also acknowledged the factum of compromise arrived at between the parties.

7. In view of above, interim order dated 30.10.2023 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.
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 stand disposed off.

19.12.2023

atulsethi

(MAHABIR SINGH SINDHU)

JUDGE

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