

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

**CRM-M No.53644 of 2023 (O&M)
Date of decision : 05.12.2023**

Hemant Kumar @ Hemant Rattu

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Vaibhav Narang, Advocate for
Ms. Neetu Singh Aashat, Advocate for the petitioner.

Mr. C.L.Pawar, Addl. A.G., Punjab for the respondent.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of pre-arrest bail to the petitioner in FIR No.71 dated 29.04.2023 (P-1), under Sections 323, 324, 325, 326, 506, 148 read with Section 149 of the Indian Penal Code, 1860, registered at Police Station, Division No.6, District Ludhiana.

(2) Above FIR was registered on the basis of complaint made by complainant-Surjit Singh with the allegations that on 27.04.2023 at about 10:00 p.m., petitioner along with his co-accused Nitin and 3-4 unidentified persons at the behest of co-accused Dinesh Bassi attacked him, causing five

injuries to the complainant. Injury No.1 caused with blunt weapon and injury No.3 caused with sharp weapon were declared as grievous in nature. The injury, attributed to the petitioner, by *Khanjar* (sharp edged weapon) and the same was declared to be grievous in nature.

(3) This Court, on 20.10.2023, granted interim bail to petitioner and the same reads as under:-

“Contends that petitioner has been nominated on the basis of disclosure statement made by co-accused namely Nitin and there is no other criminal case pending against the petitioner.

Notice of motion.

On asking of the Court, Mr. Joginder Pal Ratra, Sr. D.A.G., Punjab accepts notice on behalf of respondent-State and seeks time to have instructions and/or file written response in the matter.

Posted for 05.12.2023.

In the meanwhile, petitioners shall join investigation before the Investigating Officer. In the event of arrest, the Arresting Officer would admit them 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 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 ASI Onkar Singh, submits that petitioner has joined investigation and as on today, his custodial interrogation is not required.

- (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) Disposed off accordingly.
- (10) Pending application(s), if any, shall also stand disposed off.

December 5, 2023
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

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