

217 (1st case)

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

**CRM-M No.55049 of 2023 (O&M)
Date of decision : 20.12.2023**

Nisha Devi and another

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. J.K.Singla, Advocate for the petitioners.

Mr. Joginder Pal Ratra, Sr. DAG, 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 petitioners in General Diary No.76 dated 15.09.2023 (P-2), under Sections 307, 323, 324, 148 read with Section 149 of the Indian Penal Code, 1860 recorded in FIR No.164 dated 15.09.2023 (P-1), under Sections 307, 323, 324, 148 read with Section 149 of the Indian Penal Code, 1860, registered at Police Station, City Budhlada, District Mansa.

(2) Above case was registered on the basis of statement made by complainant-Mangal @ Bhatti with the allegations that petitioners along with

other co-accused, who were members of unlawful assembly, caused several injuries upon the complainant party with *Daangs*, Sticks & Swords.

(3) This Court, while issuing notice of motion on 03.11.2023, granted interim bail to petitioners and the same reads as under:-

“Contends inter alia that petitioners are not named in the General Diary No.76 dated 15.09.2023, under Sections 307, 323, 324, 148, 149 of the IPC, in FIR No.164 dated 15.09.2023, under Sections 307, 323, 324, 148, 149 of the IPC, registered at Police Station City Budhlada, District Mansa; nor any other case is pending against them.

Notice of motion.

Mr. C.L. Pawar, Addl.A.G., 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 20.12.2023.

In the meanwhile, petitioners shall join investigation before the Investigating Officer. In the event of their 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 the Code of Criminal Procedure, 1973.”

(4) Learned Counsel submits that in pursuance of the aforesaid order, petitioners have already joined the investigation and their custodial interrogation is not required.

(5) Learned State Counsel, on instructions from HC Gurwinder Singh, submits that petitioners have joined investigation and as on today, their custodial interrogation is not required.

- (6) In view of above, interim order dated 03.11.2023 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.
- (7) It is also made clear that petitioners 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.

20th December, 2023
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

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