

101

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

CRM-M-56570-2023 (O&M)

Date of decision : 12.12.2023

Mandeep Singh @ Mandeep Singh Sidhu

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Jagjot Singh, Advocate,
for the petitioner.

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

Mr. Nandan Jindal, Advocate,
and Mr. Tushar Sabharwal, 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.118 dated 04.10.2023, under Sections 454, 380 & 427 of the Indian Penal Code, 1860, registered at Police Station Urban Estate, District Patiala.

2. Allegations are that petitioner along with co-accused trespassed into the house of complainant by breaking open the locks and damaged household material.

3. This Court, on 09.11.2023, granted interim bail to petitioner and relevant part of the same reads as under:-

“Contends inter alia that dispute is between husband and wife.

Notice of motion.

Mr. C.L.Pawar, Additional Advocate General, 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 04.12.2023.

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 the Code of Criminal Procedure, 1973.

Petitioner as well as complainant both are requested to be present on the next date of hearing.

Be shown in the urgent list.”

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 the police officer present in Court and further stated that custodial interrogation of the petitioner is not required at this stage.

6. Although, learned counsel for the complainant vehemently opposed the prayer of petitioner, but in view of fact that State is not seeking custodial interrogation; therefore, objection raised by learned counsel for the complainant is rejected.

7. In view of above, interim order dated 09.11.2023 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. However, it is clarified that in case there is misuse of concession by the petitioner, State as well as the complainant would be at liberty for seeking recalling of this order, as per law.
12. Pending application(s), if any, shall stand disposed off.

12.12.2023
atulsethi

(MAHABIR SINGH SINDHU)
JUDGE

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