

206 (3rd case)

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

**CRM-M No.58840 of 2023 (O&M)
Date of decision : 14.12.2023**

Barinder Singh

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Arjun Kapur, Advocate for the petitioner.

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

Ms. Hasan Kaur, Advocate for the complainant.

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.76 dated 11.10.2023 (P-1), under Sections 341, 323, 506, 148 read with Section 149 of the Indian Penal Code, 1860 (Sections 452 & 379-B, IPC added later on), registered at Police Station, Kheri Gandian, District Patiala.

(2) Above FIR was registered on the basis of statement made by complainant-Amrik Singh with the allegations that petitioner, along with other co-accused, armed with *Sticks*, gave fist, kick & stick blows to the complainant as well as his father-Nirmal Singh. Also alleged that wallets of

both the injured were lost during the scuffle. Further alleged that Gold Chain was snatched by accused Harsangat Singh; whereas his iPhone was taken away by the petitioner-Barinder Singh @ Goldy. On raising alarm, accused decamped along with their respective weapons.

(3) This Court, while issuing notice of motion on 22.11.2023, granted interim bail to petitioner and the same reads as under:-

“Contends, inter alia, that co-accused-Harsangat Singh, with similar allegations, has already been granted interim bail by this Court, vide order dated 02.11.2023 (P-2), passed in CRM-M-54706-2023.

Notice of motion.

On asking of the Court, Mr. C.L.Pawar, Addl. A.G., Punjab accepts notice on behalf of the respondent and seeks time to have instructions and/or file written response in the matter.

Posted for 14.12.2023.

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 in the present case, till the next date of hearing, on furnishing adequate bail and surety bonds to his satisfaction. The petitioner is also directed to abide by all the conditions as envisaged under Section 438(2) of Code of Criminal Procedure, 1973.

To be heard along with CRM-M-54706-2023.”

(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 Sewa Singh, submits that petitioner has joined investigation and as on today, his custodial interrogation is not required.

- (6) On the other hand, learned Counsel for the complainant vehemently opposed the prayer of petitioner. Since learned State Counsel is not asking for custodial interrogation of petitioner, therefore, the objection raised by learned Counsel for the complainant is overruled; hence, rejected.
- (7) In view of above, interim order dated 22.11.2023 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) Pending application(s), if any, shall also stand disposed off.

December 14, 2023
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(MAHABIR SINGH SINDHU)
JUDGE

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