

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

**CRM-M No.59022 of 2023 (O&M)
Date of decision : 14.12.2023**

Avtar Singh and others

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

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

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 petitioners 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 petitioners, 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 accused Barinder Singh @ Goldy. On raising alarm, accused decamped along with their respective weapons.

(3) This Court, while issuing notice of motion on 23.11.2023, granted interim bail to petitioners and the same reads as under:-

“Contends that co-accused (Harsangat Singh) with similar allegations has already been granted the concession of interim pre-arrest bail on 02.11.2023 vide CRM-M-54706-2023.

Notice of motion.

On the asking of the Court, Mr. Joginder Pal Ratra, Sr. DAG, Punjab accepts notice on behalf of respondent-State and seeks time to have instructions and/or file short affidavit regarding complicity of the petitioner.

Posted for 14.12.2023.

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 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, petitioners have already joined the investigation and their custodial interrogation is not required.

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

(6) On the other hand, learned Counsel for the complainant vehemently opposed the prayer of petitioners. Since learned State Counsel is not asking for custodial interrogation of petitioners, therefore, the objection raised by learned Counsel for the complainant is overruled; hence, rejected.

(7) In view of above, interim order dated 23.11.2023 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.

(8) It is also made clear that petitioners 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>