

218(2) **IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

CRM M-946-2024 (O&M)
Date of Decision: 06.02.2024

Gurinder Singh Dhindsa

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

Present: Mr. G.S. Ghuman, Advocate,
for the petitioner.

Mr. Joginder Pal Ratra, Sr. DAG, Punjab
assisted by SI Balwinder Singh.

Ms. Deepa Negi, Advocate for
Mr. S.S. Swaich, Advocate,
for the complainant.

MAHABIR SINGH SINDHU. J.

Present petition has been filed under Section 438 of the Code of Criminal Procedure (for short “Cr.P.C”) for grant of pre-arrest bail to the petitioner in FIR No.88 dated 13.12.2023 registered under Section 306 read with Section 34 IPC at Police Station, Mulepur, District Fatehgarh Sahib.

2. Allegations are that on 09.12.2023, Sukhwinderpal Singh husband of complainant Harchain Kaur committed suicide on the instigation of petitioner as well as co-accused-Gurdarshan Singh.

3. This Court vide order dated 10.01.2024, granted interim bail to petitioner and the same reads as under:-

“Contends inter alia that co-accused of the petitioner has already been granted concession of pre-arrest bail by the Co-ordinate Bench vide order dated 05.01.2024 passed in CRM-M-46-2024.

Notice of motion.

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

Posted for 06.02.2024.

To be heard along with CRM-M-46-2024.

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 Code of Criminal Procedure, 1973.”

4. Learned counsel on instructions from petitioner submits that in pursuance of the aforesaid order, he has joined investigation, therefore, his custodial interrogation is not required.

5. The above factual position is duly acknowledged by learned State Counsel, on instructions from quarter concerned and fairly submitted that custodial interrogation of the petitioner is not required, at this stage.

6. Although, learned counsel for complainant objected to the prayer of the petitioner, but since State is not asking for custodial interrogation, therefore, the objection of complainant stands rejected. In view of above, interim order dated 10.01.2024 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 criminal misc. application(s), if any, shall also stand disposed off.

06.02.2024
SN

(MAHABIR SINGH SINDHU)
JUDGE

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