

221 (3rd case)

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

**CRM-M No.1334 of 2024 (O&M)
Date of decision : 29.01.2024**

Babbu Singh

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Mikhail Kad, Advocate for the petitioner.

Mr. M.S.Tiwana, AAG, Punjab for the respondent.

Mr. Navjot Singh, 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.104 dated 23.06.2023, under Sections 307, 323, 341, 148 read with Section 149 of the Indian Penal Code, 1860, registered at Police Station, Bhwanigarh, District Sangrur.

(2) Above case was registered on the basis of statement made by complainant-Paramjit Singh @ Pammi with the allegations that petitioner, along with other co-accused, caused injuries upon the complainant party with Sticks, baseball bat, Kirpan & Iron Rods etc.

(3) This Court, while issuing notice of motion on 11.01.2024, granted interim bail to the petitioner and order reads as under:-

“Contends inter alia that petitioner is not named in the present FIR; rather nominated on the basis of disclosure made by co-accused Gurpreet Singh.

Notice of motion.

Mr. Joginder Pal Ratra, Sr. DAG, 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 29.01.2024.

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 the Code of Criminal Procedure, 1973.

To be heard along with CRM-M-55363-2023.”

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

(5) Learned State Counsel, on instructions from ASI Kulwinder Singh, acknowledged 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 State is not seeking any custodial interrogation of the petitioner, therefore, the objection raised by learned Counsel for the complainant is rejected.

- (7) In view of above, interim order dated 11.01.2024 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.

29th January, 2024
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	Yes