

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

**CRM-M-1610-2024 (O&M)
Date of decision: 22.04.2024**

Khandvir Singh @ Jagsir Singh

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Ms. Riffi Birla, Advocate for the petitioner.

Ms. Manjot Kaur, AAG, Punjab for the respondent.

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.69 dated 24.08.2021, under Sections 307, 148 read with Section 149 of the Indian Penal Code, 1860 (Sections 324, 323, 34 IPC added later on); Sections 25 & 27 of the Arms Act, 1959, registered at Police Station Sadar Abohar, District Fazilka.

(2) Above FIR was registered on the basis of statement made by complainant-Jagmandeep Singh @ Minku with the allegations that on 24.08.2021 at about 10:15 AM, he along with one Jagseer Singh was coming to Abohar City on his motorcycle. Also alleged that one Innova Car of Grey Colour bearing registration No.HR-24-4525 came from backside and hit his

motorcycle, due to which, they fell down. Further alleged that petitioner, armed with .12 bore gun, along with other co-accused, armed with *Kappa*, Kirpan & .32 bore revolver, with the intention to kill fired shots towards the complainant party; thereby causing multiple injuries. On raising alarm, accused decamped with their respective weapons on the said Innova Car.

(3) Status Report by way of an affidavit dated 29.02.2024 of Sh. Sukhwinder Singh Brar, DSP (Rural), Abohar, District Fazilka has been filed. The same is taken on record. Copy thereof supplied to the opposite side.

(4) In the main petition, this Court, on 12.01.2024, passed the following order:-

“Contends that after investigation, petitioner was declared innocent and now he has been summoned under Section 319 Cr.P.C. Also contends that petitioner is ready to join the proceedings, but he be protected.

Notice of motion.

Mr. M.S.Tiwana, AAG, 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 29.02.2024.

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.”

(5) Thereafter, on 25.01.2024, aforesaid order was modified by this Court in the following manner:-

“Application for modification of the order dated 12.01.2024 to the extent that applicant/petitioner be released on interim bail subject to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned instead of Investigating Officer.

Notice of the application to the non-applicant/respondent.

On asking of the Court, Mr. Joginder Pal Ratra, Sr. DAG, Punjab accepts notice on behalf of the respondent and raises no objection to the present application.

In view of the above and for the reasons mentioned in the application, the same is allowed subject to all just exceptions.

Order dated 12.01.2024 is modified to the extent that petitioner shall surrender before the Court below and upon doing so, he be released on interim bail, in the present case, till the next date of hearing on furnishing adequate bail and surety bonds to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned.

Application stands disposed off.

Registry to do the needful.”

(6) Learned Counsel submits that in pursuance of the aforesaid order, petitioner has already joined the proceedings before learned trial Court and he shall fully cooperate in future.

(7) Learned State Counsel, on instructions from ASI Resham, acknowledged that petitioner has joined the proceedings and as on today, his custody is not required.

(8) In view of above, interim order dated 25.01.2024 is made absolute as envisaged under Section 438(2) Cr.P.C. and the present petition stands disposed off.

(9) It is made clear that the petitioner shall fully co-operate with the learned trial Court and shall not seek unnecessary adjournments.

- (10) 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.
- (11) Pending application(s), if any, shall also stand disposed off.

22nd April, 2024
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(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	Yes