

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-2909-2024 (O&M)
Date of decision :23.04.2024

Sahil Khan
...Petitioner

Versus

State of Haryana
...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Parth Singh, Mr. Partap Singh & Mr. Gourav Jangra,
Advocates for the petitioner.

Mr. Kiran Pal Singh, AAG, Haryana 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.875 dated 22.12.2023, under Sections 307, 323, 427, 148 read with Section 149 of the Indian Penal Code, 1860; Section 25 of the Arms Act, 1959, registered at Police Station Thanesar Sadar, District Kurukshetra.

(2) Above FIR was registered on the basis of statement made by complainant-Ravinder Pal Singh with the allegations that petitioner, along with other co-accused, fired shots on the complainant and his friend.

(3) Contends that petitioner was granted interim bail by this Court, vide order dated 19.01.2024 and in pursuance thereof, he has already joined the investigation; thus, his custodial interrogation is not required.

(4) Learned State Counsel, on instructions from ASI Parmod Kumar, acknowledged the above factual position and submits that as on today, custodial interrogation of the petitioner is not required.

(5) Heard learned Counsel for the parties and perused the paper-book.

(6) It is not in dispute that petitioner was granted interim bail by this Court on 19.01.2024 and the order reads as under:-

“Contends inter-alia that it is a case of no injury.

Notice of motion.

On the asking of the Court, Mr. Kiran Pal Singh, AAG Haryana 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 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 Code of Criminal Procedure, 1973.”

(7) It is acknowledged by learned State Counsel on instructions from ASI Parmod Kumar that in pursuance of the aforesaid order, petitioner joined the investigation and as on today, his custodial interrogation is not required.

- (8) In view of the above, present petition is allowed; interim order dated 19.01.2024 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.
- (9) It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.
- (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) It is clarified that in case there is recurrence on the part of the petitioner, State would be at liberty to move an appropriate application for recalling of this order.
- (12) Pending application(s), if any, shall also stand disposed off.

23rd April, 2024
Gagan/v

(MAHABIR SINGH SINDHU)
JUDGE

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