

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

**CRM-M-4073-2024 (O&M)  
Date of decision : 05.03.2024**

Gagandeep Singh

...Petitioner

*Versus*

State of Punjab and another

...Respondents

**CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU**

Present: Mr. L.M.Gulati, Advocate for the petitioner.

Mr. Neeraj Madan, Sr. DAG, Punjab for respondent No.1.

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**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.398 dated 30.11.2020, under Section 364 of the Indian Penal Code, 1860, registered at Police Station City Muktsar, District Sri Muktsar Sahib.

(2) Above FIR was registered on the basis of complaint made by Kulwant Singh with the allegations that petitioner kidnapped his 17 ½ years old daughter

(3) Reply by way of an affidavit dated 02/05.03.2024 of Sh. Satnam Singh, DSP Sub Division Sri Muktsar Sahib has been filed. The same is taken on record. Copy thereof supplied to the opposite side.

(4) Contends that petitioner was granted interim bail by this Court, vide order dated 25.01.2024 and in pursuance thereof, he has already joined the investigation; thus, his custodial interrogation is not required.

(5) *Per contra*, learned State Counsel, on instructions, acknowledged that petitioner has joined investigation and as on today, his custodial interrogation is not required.

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

(7) It is not in dispute that petitioner was granted interim bail by this Court on 25.01.2024 and the order reads as under:-

*“Contends, inter alia, that in view of the order dated 18.12.2023 (P-6) passed by the Co-ordinate Bench in CRM-M-24570-2023, pendency of the FIR No.398 dated 30.11.2020, under Section 364 of the Indian Penal Code, 1860, registered at Police Station City Muktsar, District Sri Muktsar Sahib, is complete misuse of the process of law; hence, petitioner be protected.*

*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 05.03.2024.*

*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.”*

- (8) It is acknowledged by learned State Counsel that in pursuance of the aforesaid order, petitioner joined the investigation and his custodial interrogation is not required at this stage.
- (9) In view of the above, present petition is allowed; interim order dated 25.01.2024 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.
- (10) It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.
- (11) 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.
- (12) 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.
- (13) Pending application(s), if any, shall also stand disposed off.

5<sup>th</sup> March, 2024  
Gagan

( MAHABIR SINGH SINDHU )  
JUDGE

|                           |        |
|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether Reportable        | Yes/No |