



CRM-M-6035-2024 1

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

237/4

CRM-M-6035-2024 (O&M)
Date of Decision: 12.09.2024

Malkit Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU**Present:** Mr. Rishu Mahajan, Advocate for the petitioner.

Ms. Neha Sonawane, DAG, Punjab.

Mr. N.K.Banka, Advocate for the complainant.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 seeking pre-arrest bail in FIR No. 71 dated 12.05.2023, under Sections 452, 307, 506 and 148 read with Section 149 of the Indian Penal Code, 1860 (for short, 'the IPC') and Sections 25 and 27 of Arms Act, 1959, registered at Police Station Lopoke, District Amritsar.

2. Allegations are that petitioner along with other co-accused formed an unlawful assembly and in prosecution of the common object of the said assembly, caused injuries to *de facto* complainant-Kulbir Singh with guns, sticks and base balls with intention to kill him.

3. Contends that this Court granted interim bail to the petitioner on 05.02.2024 and in terms thereof, he has already joined the investigation and his custodial interrogation is not required.



CRM-M-6035-2024 2

4. Above factual position is duly acknowledged by learned State counsel, on instructions from the police officer present in Court and further stated that custodial interrogation of the petitioner is not required at this stage.

5. Learned counsel for the *de facto* complainant has also acknowledged the factum of compromise between the parties.

6. Heard learned counsel for the parties and perused the paper-book.

7. This Court on 05.02.2024 while issuing notice of motion passed the following order:-

“Contends that it is a version & cross-version case and coaccused namely Resham Singh Namberdar and Manbir Singh have already been granted concession of interim pre-arrest bail by the Co-ordinate Bench vide orders dated 14.11.2023 (P-3) passed in CRM-M-57068-2023 and dated 08.12.2023 (P-4) passed in CRM-M-61917-2023 respectively.

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 22.02.2024.

To be heard along with CRM-M-57068-2023.

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 above order, petitioner has joined investigation and his custodial interrogation is not required at this stage.

9. In view of above and the fact that parties i.e petitioner and *de facto* complainant have compromised the matter, interim order dated 05.02.2024 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.



CRM-M-6035-2024 3

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 made clear that in case of any recurrence on the part of the petitioner, the State would be at liberty to move an application for recalling of this order.
13.

Disposed off accordingly.
- Pending application(s), if any, shall also stand disposed off.

12.09.2024
Rajeev (rvs)

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No