

212-2

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

**CRM-M-6090-2024 (O&M)
Date of decision : 20.02.2024**

Owaish @ Owais Jahid

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Mohit Kumar, Advocate,
for the petitioner.

Mr. Neeraj Madaan, Sr. DAG, Punjab,
assisted by ASI Sheesh Pal.

MAHABIR SINGH SINDHU, J.

Petition under Section 438 of the Code of Criminal Procedure, 1973 has been filed for grant of pre-arrest bail to the petitioner in FIR No.0047 dated 29.04.2023, under Sections 458, 323, 506, 427, 336, 148 read with Section 149 of the Indian Penal Code, 1860; and Section 25 of the Arms Act, 1959, registered at Police Station Sadar Ahmedgarh, District Malerkotla.

2. Allegations are that petitioner along with other co-accused fired gunshots in air; trespassed into the house of complainant; and caused injuries to him with deadly weapons with an intention to kill him.

3. This Court, on 05.02.2024, granted interim bail to petitioner and relevant part of the same reads as under:-

“Contends, inter alia, that all the injuries attributed to petitioner are declared to be simple in nature; there is no other criminal case pending against the him. Moreover, co-accused-Abrar @ Bablu Gujjar with similar allegations has already been granted concession of interim pre-arrest bail by this Court vide order dated 17.11.2023 passed in CRM-M-57147-2023.

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 20.02.2024.

To be heard along with CRM-M-57147-2023.

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.”

4. Contends that in terms of the aforesaid order, petitioner has already joined investigation and his custodial interrogation is not required.

5. 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.

6. In view of above, interim order dated 05.02.2024 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.

7. It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.

8. 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.

9. Disposed off accordingly.

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

20.02.2024
atulsethi

(MAHABIR SINGH SINDHU)
JUDGE

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