



ITEM NO.234 (2nd case)

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

**CRM-M-8530-2024 (O&M)
Date of decision :06.05.2024**

Ishmeet Singh alias Kaka

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Munish Puri, Advocate,
for the petitioner.

Mr. Neeraj Madaan, Sr. DAG, Punjab

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.95 dated 12.07.2023, under Section 324, 323, 341, 148 read with Section 149 of IPC (offence under Sections 307, 452, 326 of IPC later added on) registered at Police Station Division No.2, District Pathankot, Punjab.

2. Reply filed by way of affidavit dated 02.05.2024 of Sumeer Singh PPS, Deputy Superintendent of Police, Sub-Division City, District Pathankot, is taken on record. Copy thereof supplied to the opposite side.

Registry to do the needful.

2024.PHHC:063072



3. Above FIR was registered on the basis of statement made by one Sarabjit Singh alias Jagga son of Pritam Singh with the allegations that petitioner and his co-accused formed an unlawful assembly and in prosecution of their common object, gave *datar* blow(s) to the complainant party.

4. This Court, on 07.03.2024, granted interim bail to petitioner and relevant part of the same is recapitulated as under:-

“Contends, inter alia, that it is a version and cross-version case and co-accused have already been granted the concession of interim bail.

Notice of motion.

Mr. Neeraj Madaan, Sr. DAG, Punjab 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 06.05.2024.

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. .”

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

6. 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.

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7. In view of above, interim order dated 07.03.2024 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.
8. It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.
9. 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.
10. Disposed off accordingly.

06.05.2023
anil

(MAHABIR SINGH SINDHU)
JUDGE

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