

216 **IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

CRM M-8678-2024 (O&M)
Date of Decision: 22.04.2024

Bhinder Singh Petitioner

Versus

State of HaryanaRespondent

CORAM: HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Divyadeep Walia, Advocate,
for the petitioner.

Mr. Vikram Singh, AAG, Haryana
assisted by ASI Pritam Singh.

MAHABIR SINGH SINDHU. J.

Present petition has been filed under Section 438 of the Code of Criminal Procedure (for short “Cr.P.C”) for seeking pre-arrest bail in FIR No.394 dated 04.07.2023 registered under Section 379-A read with Section 34 IPC, at Police Station, City Mandi Dabwali, District Sirsa.

2. As per allegations, co-accused of the petitioner, namely, Manpreet Singh @ Mani and Harmandep Singh @ Koopa snatched mobile phone of the complainant on 03.07.2023.

3. Learned counsel contends that petitioner has been nominated after a period of seven months on the basis of disclosure made by co-accused Golu @ Raju. Also contends that he was granted interim bail vide order dated 26.02.2024 and in pursuance of that, he has joined investigation; thus, his custodial interrogation is not required.

4. The above factual position is duly acknowledged by learned State Counsel, on instructions from quarter concerned and fairly submitted that custodial interrogation of the petitioner is not required, at this stage.

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

6. This Court vide order dated 26.02.2024, granted interim bail to petitioner and the same reads as under:-

“Contends inter alia that petitioner has been nominated after a period of seven months on the basis of disclosure made by co-accused-Golu @ Raju.

Notice of motion.

Mr.Kiran Pal Singh, AAG, Haryana, accepts notice on behalf of the respondent-State and seeks time to have instructions and/or file written response in the matter.

Posted for 22.04.2024.

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.”

7. It transpires that in pursuance of aforesaid order, petitioner has joined investigation and his custodial interrogation is not required; thus, interim order dated 26.02.2024 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 be not construed as an expression of opinion on merits of the case; rather confined only to decide the present bail matter.

10. Disposed off accordingly.
11. Pending criminal misc. application(s), if any, shall also stand
disposed off.

22.04.2024
SN

(MAHABIR SINGH SINDHU)
JUDGE

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