

218 (2nd case) **IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

CRM M-9673-2024 (O&M)
Date of Decision: 18.04.2024

Harpreet Singh @ Pita

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Ketan Chopra, Advocate,
for the petitioner.

Mr. Neeraj Madaan, Sr. DAG, Punjab.

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.04 dated 21.01.2024 registered under Sections 323, 341, 435, 436, 427, 506 and 148 read with Section 149 IPC, at Police Station, Sudhar, District Ludhiana.

2. As per allegations, petitioner along with co-accused Ravi @ Gandhi, Amanpreet Singh and Arsi @ Billa formed an unlawful assembly and in prosecution of common object of said assembly caused injuries to Tanvir Singh. They also caused damage to the motorcycle of Amandeep Singh and also tried to put the house of Harbans Singh on fire.

3. Learned counsel contends that there is delay of 10 days in lodging the FIR. Also contends that petitioner was granted interim bail by this Court vide order dated 23.02.2024 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 23.02.2024, granted interim bail to petitioner and the same reads as under:-

“Notice of motion for 18.04.2024.

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.

To be heard along with CRM-M-9413-2024.”

7. In pursuance of the aforesaid order, petitioner has joined investigation and his custodial interrogation is not required by the Police, at this stage; thus, order dated 23.02.2024 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.

18.04.2024
SN

(MAHABIR SINGH SINDHU)
JUDGE

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