

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

**CRM-M-9682-2024 (O&M)
Date of decision : 20.03.2024**

Tejveer Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Ms. Harpreet Kaur Arora, Advocate for the petitioner.

Mr. Shiva Khurmi, AAG, Punjab for the respondent.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of pre-arrest bail to the petitioner in FIR No.0136 dated 19.07.2023, under Sections 379, 427, 506, 447 read with Section 511 of the Indian Penal Code, 1860, registered at Police Station Machhiwara, District Ludhiana.

(2) Above FIR was registered on the basis of statement made by complainant-Kulwinder Singh with the allegations that on 15.07.2023, petitioner, along with other co-accused, destroyed some paddy crops of complainant by placing Rotavator behind the Tractor and committed theft of spades, pipe and bags of fertilizers. Also alleged that accused also criminally intimidated the complainant party.

(3) Contends that petitioner was granted interim bail by this Court, vide order dated 23.02.2024 and in pursuance thereof, he has already joined the investigation; thus, his custodial interrogation is not required.

(4) Learned State Counsel, on instructions, acknowledged the above factual position and submits that as on today, custodial interrogation of the petitioner is not required.

(5) Heard learned Counsel for the parties and perused the paper-book.

(6) It is not in dispute that petitioner was granted interim bail by this Court on 23.02.2024 and the order reads as under:-

“The Police Officer has apprised the Court that 02 co-accused, namely, Swaran Singh & Gurpreet Singh have already been granted the concession of pre-arrest bail by learned Sessions Court and recovery of spade, pipe & bag of fertilizers has already been effected from them; therefore, nothing is to be recovered from the petitioner.

Notice of motion for 20.03.2024.

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 is acknowledged by learned State Counsel on instructions from ASI Jagtar Singh that in pursuance of the aforesaid order, petitioner joined the investigation and as on today, his custodial interrogation is not required.

- (8) In view of the above, present petition is allowed; interim order dated 23.02.2024 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.
- (9) It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.
- (10) 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.
- (11) It is clarified that in case there is recurrence on the part of the petitioner, State would be at liberty to move an appropriate application for recalling of this order.
- (12) Pending application(s), if any, shall also stand disposed off.

20th March, 2024
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

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