



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-10764-2024(O&M)
Date of decision: 21.05.2024

Yogesh
...Petitioner

Versus

State of Punjab
...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Pranshul Dhull, Advocate for
Mr. Ashutosh Gupta, Advocate for the petitioner.

Ms. Manjot Kaur, AAG, Punjab.

Mr. J.S. Sekhon, Advocate for the complainant.

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. 107 dated 14.09.2023, under Sections 148, 323, 324, 427, 452, 506 read with Section 149 of Indian Penal Code, 1860 (for short 'IPC') (Sections 326 & 307 of IPC added later on), registered at Police Station Urban Estate, Patiala.

2. Allegations are that petitioner alongwith co-accused attacked the complainant party with deadly weapons and caused injuries with intention to kill them.
3. Contends that this Court granted interim bail to the petitioner on 29.02.2024 passed by this Court and in terms thereof, he has already joined the investigation and his custodial interrogation is not required.
4. 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.



5. Learned counsel for the complainant opposes the prayer made by learned counsel for the petitioner.

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

7. This Court on 29.02.2024 while issuing notice of motion passed the following order:-

“ Contends, inter alia, that no injury has been attributed to the petitioner.

Notice of motion.

Ms. Manjot Kaur, AAG, Punjab, accepts notice on behalf of the respondent-State and seeks time to verify the above factual position.

Posted for 04.04.2024.

To be heard along with CRM-M-7528-2024.

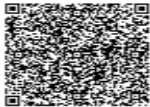
In the meanwhile, petitioner shall join investigation before the Investigating Officer. In the event of his arrest, the Arresting Officer would admit him to interim bail, till the next date of hearing, on furnishing adequate bail and surety bonds to his satisfaction. The petitioner shall also abide by all the conditions as envisaged under Section 438 (2) of the Code of Criminal Procedure, 1973.”

8. It is acknowledged by learned State counsel that in pursuance of above order, petitioner has joined investigation and his custodial interrogation is not required at this stage.

9. Although learned counsel for the complainant has opposed the prayer of the petitioner, but learned State counsel has not raised any objection to that effect, hence, the contention of learned counsel for the complainant is rejected.

10. In view of above, interim order dated 29.02.2024 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.

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



12. 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.
13. It is made clear that in case of any recurrence on the part of the petitioner, the State would be at liberty to move an application for recalling of this order.
14. Disposed off accordingly.
15. Pending application(s), if any, shall also stand disposed off.

21.05.2024
Harish Kumar

(MAHABIR SINGH SINDHU)
JUDGE

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