

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

CRM M-11033-2024 (O&M)
Date of Decision: 18.04.2024

Kulwant Singh

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Rajesh Kapila, Advocate,
for the petitioner.

Mr. Neeraj Madaan, Sr. DAG, Punjab.

Mr. Lovinder Sofat, Advocate,
For the complainant.

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.07 dated 16.02.2024 registered under Sections 120-B, 341, 384, 417, 420, 447, 448, 451, 452 and 506 IPC, at Police Station, Nangal Bhoor, District Pathankot.

2. As per allegations, on 13.04.2023, petitioner along with co-accused forcibly entered into the office of complainant and started pressurising him to put signatures on some blank papers.

3. Learned counsel contends that there is an unexplained delay of about 10 months in lodging the FIR. Also contends that petitioner was granted interim bail by this Court vide order dated 01.03.2024 and in pursuance thereof, 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 01.03.2024, granted interim bail to petitioner and the same reads as under:-

“Contends, inter alia, that alleged occurrence is stated to have taken place on 13.04.2023; but the present FIR was registered after an unexplained delay on 16.02.2024.

Notice of motion.

Ms. Manjot Kaur, AAG, Punjab, accepts notice on behalf of the respondent-State and seeks time to have instructions and/or file written response in the matter.

Posted 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. 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 01.03.2024 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 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