

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-15393-2024(O&M)
Date of decision: 27.05.2024

Tirath Ram @ Lada
...Petitioner

Versus

State of Punjab
...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Sanjeev K. Virk, Advocate for the petitioner.
Ms. Manjot Kaur, AAG, Punjab.

MAHABIR SINGH SINDHU, J.

First petition under Section 438 of the Code of Criminal Procedure (for short ‘Cr.P.C.’) has been filed for grant of pre-arrest bail to the petitioner in FIR No. 03 dated 04.01.2024, under Sections 323, 324 read with Section 34 of Indian Penal Code, 1860 (for short ‘IPC’) (Section 326 IPC added later on), registered at Police Station, Shahkot, District Jalandhar Rural.

(2) Allegations are that petitioner armed with kirpan alongwith co-accused armed with splinter and iron rod attacked the complainant with their respective weapons. In order to save himself, complainant raised left hand and as a result thereof, kirpan blow hit on his thumb of left hand and caused injuries on head also.

(3) Contends that this Court granted interim bail to the petitioner on 13.05.2024 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) Heard learned counsel for the parties and perused the paper-book.

(6) This Court on 13.05.2024 while issuing notice of motion passed the following order:-

“ Contends inter-alia that injury attributed to the petitioner is simple in nature.

Notice of motion for 27.05.2024.

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.

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-11722-2024.”

(7) 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.

(8) In view of above, interim order dated 13.05.2024 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 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.

(12) Disposed off accordingly.

(13) Pending application(s), if any, shall also stand disposed off.

27.05.2024
Harish Kumar

(MAHABIR SINGH SINDHU)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>