



210

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

CRM-M-15344-2024 (O&M)

Date of decision : 09.05.2024

Kulwinder Singh

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: None for the petitioner.

Mr. Neeraj Madaan, Sr.DAG, Punjab.

MAHABIR SINGH SINDHU, J.

Petition under Section 438 of the Code of Criminal Procedure, 1973 has been filed for grant of pre-arrest bail to the petitioner in FIR No.17 dated 15.02.2024, under Sections 332, 353, 186 read with Section 34 of the Indian Penal Code, 1860, registered at Police Station City Fazilka, District Fazilka.

2. Allegations are that petitioner and other co-accused gave beatings to the complainant and took away his mobile phone as well as Rs.3000/- cash.

3. Short reply filed by Mr. Shubeg Singh, PPS, Deputy Superintendent of Police, Sub Division, Fazilka, is taken on record.

Copy thereof supplied to the other side.

Registry to do the needful.



4. Contends that this Court, granted interim bail to petitioner on 22.03.2024 and in terms thereof, he has already joined the investigation and his custodial interrogation is not required.

5. 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.

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

7. It is an admitted position that petitioner was granted interim bail by this Court on 22.03.2024 and relevant part of the same is recapitulated as under:-

“Notice of motion.

On the asking of the Court, Ms. Manjot Kaur, AAG, Punjab accepts notice on behalf of respondent-State and seeks time to have instructions and/or file short affidavit regarding complicity of the petitioner.

Posted for 09.05.2024.

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 Code of Criminal Procedure, 1973.”

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



9. In view of above, interim order dated 22.03.2024 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.
10. It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.
11. 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.
12. Disposed off accordingly.
13. Pending application(s), if any, shall also stand disposed off.

09.05.2024

Rajneesh/atulsethi/v

**(MAHABIR SINGH SINDHU)
JUDGE**

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