



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-17924-2024 (O&M)
Date of decision: 09.05.2024

Munish Kumar and another
...Petitioners

Versus

State of Punjab
...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Azam Khan, Advocate for
Mr. Ritesh Pandey, Advocate for the petitioners.

Mr. Neeraj Madaan, Sr. DAG, 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 petitioners in FIR No.18 dated 15.02.2024, under Sections 323, 441, 442, 458, 506 of the Indian Penal Code, 1860, registered at Police Station Cantonment, District Police Commissionerate Amritsar.

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(2) Short reply by way of an affidavit dated 09.05.2024 of Sh. Sukhpal Singh, ACP, West, Amritsar has been filed. The same is taken on record. Copy thereof supplied to the opposite side.

(3) Above FIR was registered on the basis of statement made by complainant-Prem Verma with the allegations that petitioners along with co-accused gave beatings to him.

(4) Contends that petitioners were granted interim bail by the Coordinate Bench, vide order dated 10.04.2024 and in pursuance thereof, they have already joined the investigation; thus, custodial interrogation of the petitioners is not required

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

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

(7) It is not in dispute that petitioners were granted interim bail by the Co-ordinate Bench on 10.04.2024 and the order reads as under:-

“Petitioners pray for pre-arrest bail in FIR No. 18 dated 15.02.2024 registered under Sections 323, 441, 442, 458 and 506 IPC at Police Station Cantonment, District Police Commissionerate Amritsar. Learned counsel for the petitioners contends that in fact the wife of the present petitioner No. 1 was being harassed by the complainant and other persons at her work place in Amritsar. He further contends that even the wife of petitioner No. 1 made a representation to the Commissioner

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of Police on 13.02.2024 (Annexure P-3), but no action was taken on the same. He further contends that all the offences except under Section 458 IPC are bailable in nature and the ingredients of the offence under Section 458 IPC are completely missing in the present case. He further contends that the petitioners are ready to appear before the Investigating Officer and are ready to cooperate with him.

Notice of motion.

On the asking of Court, Mr. I.P.S. Sabharwal, DAG, Punjab accepts notice on behalf of the respondent-State.

List on 09.05.2024.

In the meantime, the petitioners are directed to join the investigation. In the event of arrest, they shall be released on interim bail to the satisfaction of arresting/investigating officer subject to the conditions envisaged under Section 438 (2) Cr.P.C.”

(8) It is acknowledged by learned State Counsel on instructions that in pursuance of the aforesaid order, petitioners joined the investigation and as on today, their custodial interrogation is not required.

(9) In view of the above, present petition is allowed; interim order dated 10.04.2024 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.

(10) It is also made clear that petitioners 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.

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(12) It is clarified that in case there is recurrence on the part of the petitioners, State would be at liberty to move an appropriate application for recalling of this order.

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

9th May, 2024
Rajneesh/Gagan

(MAHABIR SINGH SINDHU)
JUDGE

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