

CRM-M-18905-2024

2

the investigation in the case and is no more required for any custodial investigation in this case nor he is required for further investigation.

5. During the course of hearing on 19.04.2024, following order was passed:

“2. It is, inter alia, contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case due to party faction. He contends that initially the FIR was registered for the offence under Sections 323, 324, 148 and 149 IPC and the petitioner had joined the investigation and recovery of weapon of offence had already been effected by the police. Later the police added the offence under Section 326 IPC after one month of occurrence.

3. Learned counsel for the petitioner further contends that the petitioner has already joined the investigation and possible recovery has already been effected from him, as such, his custodial interrogation is not required and he is also ready to join investigation.

4. Notice of motion.

5. On the asking of the Court, Mr. Ankit Grewal, DAG, Punjab, present in Court, accepts notice on behalf of the State-respondent and, on instructions from ASI Baldev Raj, P.S. Rangar Nangal, Batala, District Gurdaspur, admits that fact that the petitioner has already joined the investigation before imposition of Section 326 IPC and the possible recovery from him has already been effected. He prays for time for filing reply in the matter.

6. Adjourned to 02.05.2024.

7. Needful be done well before the date fixed with an advance copy to the counsel opposite.

8. *Considering the aforesaid facts and circumstances and without commenting on the merits of the case, the petitioner is hereby directed to join investigation within seven days from today and in the event of his arrest, he is ordered to be released on interim bail on his furnishing personal/surety bonds to the satisfaction of the Arresting Officer/Investigating Officer. He shall also abide by conditions as envisaged under Section 438(2) Cr.P.C.”*

6. Keeping in view the respective submissions made by learned State counsel and considering the fact that the petitioner had already joined the investigation and is no more required for further investigation nor he is required for any custodial interrogation, interim bail granted vide order dated 19.04.2024, is hereby confirmed, subject to conditions as envisaged under Section 438(2) Cr.P.C. Further, the petitioner is directed to join investigation as and when required in future by way of written notice for such purpose to be served by Investigating Officer of this case upon the petitioner; he will not tamper with the evidence nor will influence the witnesses and will not leave the country without prior permission of the Court.

7. The petition stands allowed.

8. It is made clear that anything contained hereinabove shall not be construed to be an expression of opinion on the merits of the case.

02.05.2024
kanika

(SANJIV BERRY)
JUDGE