

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

**CRM-M No.34724 of 2023 (O&M)
Date of decision : 24.01.2024**

Navjot Singh

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Tarun Vir Singh Lehal, Advocate for the petitioner.

Mr. M.S.Tiwana, AAG, 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 petitioner in FIR No.81 dated 08.06.2023 (P-1), under Sections 336, 452, 323, 506, 148 read with Section 149 of the Indian Penal Code, 1860; Sections 25 & 27 of the Arms Act, 1959, registered at Police Station, Shri Hargobindpur, District Gurdaspur.

(2) Above FIR was registered on the basis of statement made by complainant-Balwinder Singh with the allegations that petitioner, along with other co-accused, fired gunshot(s) and thereafter, petitioner gave blow of handle of his pistol on the head of his father, namely, Hansa Singh; whereas

co-accused Sonu along with $\frac{3}{4}$ unknown assailants, who were armed with pistols, entered into the house of complainant forcibly. On raising alarm, accused decamped along with their respective weapons.

(3) The Coordinate Bench, on 10.08.2023, granted interim bail to petitioner and the same reads as under:-

“Short reply by way of an affidavit of DSP, Sub Division Sri Hargobindpur, Police District Batala has been filed on behalf of the respondent/State in Court today, which is taken on record.

Learned counsel for the petitioner has submitted that the petitioner was not even seen in the CCTV footage camera at all and he has been falsely implicated in the present case.

Learned State counsel has stated on instructions from S.I. Swaranjit Singh that it is correct that the petitioner was not seen in the CCTV footage.

In view of the above, the petitioner is directed to join the investigation and to co-operate fully with the investigation process and on his doing so, the petitioner be released on interim bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall continue to join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

Adjourned to 13.12.2023.”

(4) Learned Counsel submits that in pursuance of the aforesaid order, petitioner has already joined the investigation and his interrogation is not required.

(5) Learned State Counsel, on instructions from ASI Sawambarjeet Singh, submits that petitioner has joined investigation and as on today, his custodial interrogation is not required.

- (6) In view of above, interim order dated 10.08.2023 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.
- (7) It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.
- (8) 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.
- (9) Disposed off accordingly.
- (10) Pending application(s), if any, shall also stand disposed off.

24th January, 2024
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	Yes