



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

CRM-M-41760-2023 (O&M)

Date of decision: 23.05.2024

Gurbir Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Narinder S. Lucky, Advocate for
Mr. Ranbir Singh Sekhon, Advocate for the petitioner.

Ms. Manjot Kaur, AAG, Punjab for the respondent.

Mr. Ashish Kumar, Advocate for
Mr. Parveen Chauhan, Advocate for the complainant.

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.78 dated 26.07.2023, under Sections 306 & 120-B of the Indian Penal Code, 1860, registered at Police Station Khalra, District Tarn Taran.

(2) Above FIR was registered on the basis of statement made by complainant-Mukhtiar Singh with the allegations that his son-Gurlal Singh was duped of his hard earned money by the petitioner-Gurbir Singh @ Gurmeet Singh. It is further alleged that when Gurlal Singh demanded back money, he was harassed by all the accused, including present petitioner, and due to that, he committed suicide.

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(3) Contends that petitioner was granted interim bail by this Court, vide order dated 05.04.2024 and in pursuance thereof, he has already joined investigation; thus, his custodial interrogation is not required.

(4) Learned State Counsel, on instructions from ASI Hari Singh, acknowledged the above factual position and submits that as on today, custodial interrogation of the petitioner is not required.

(5) On the other hand, learned Counsel for the complainant vehemently opposed the prayer of petitioner.

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

(7) It is not in dispute that petitioner was granted interim bail by this Court on 05.04.2024 and the order reads as under:-

“In view of the order of even date, passed in the connected petition bearing CRM-M-40221-2023, interim order dated 22.09.2023, passed by the Coordinate Bench, is modified to the extent that petitioner shall join investigation before the Investigating Officer. In the event of arrest, the Arresting Officer would admit him to interim bail in the present case, till the next date of hearing, on furnishing adequate bail and surety bonds to his satisfaction. The petitioner is also directed to abide by all the conditions as envisaged under Section 438(2) of Code of Criminal Procedure, 1973.

Posted for 23.05.2024.”

(8) It is acknowledged by learned State Counsel on instructions from ASI Hari Singh that in pursuance of the aforesaid order, petitioner has joined investigation and as on today, his custodial interrogation is not required.

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- (9) Since learned State Counsel is not asking for custodial interrogation of petitioner, therefore, the objection raised by learned Counsel for the complainant is rejected.
- (10) In view of the above, present petition is allowed; interim order dated 05.04.2024 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.
- (11) It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.
- (12) 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.
- (13) It is clarified that in case there is recurrence on the part of the petitioner, State would be at liberty to move an appropriate application for recalling of this order.
- (14) Pending application(s), if any, shall also stand disposed off.

23rd May, 2024
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

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