

**101+102      IN THE HIGH COURT OF PUNJAB & HARYANA AT  
CHANDIGARH**

**CRM M-47598-2023 (O&M)**  
**Date of Decision: 08.01.2024**

Waheguru Singh and others ..... Petitioners

Versus

State of Punjab .....Respondent

**CORAM: HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU**

Present: Mr. Amaninder Preet, Advocate,  
for the petitioners.

Mr. Joginder Pal Ratra, Sr. DAG, Punjab  
assisted by ASI Gurjit Singh.

Mr. J.S. Brar, Advocate,  
for the complainant.

**MAHABIR SINGH SINDHU. J.**

**CRM-71-2024**

Application for placing on record amended petition in terms of  
order dated 13.10.2023.

Notice of the application to the non-applicants/State.

On the asking of the Court, Mr. Joginder Pal Ratra, Sr. DAG, Punjab accepts notice on behalf of respondent-State and raises no objection in case the application is allowed.

In view of the above and for the reasons stated in the application, the same is allowed as prayed for subject to all just exceptions. Amended petition is taken on record.

Registry to tag the same at appropriate place.

## Main case

Present petition has been filed under Section 438 of the Code of Criminal Procedure (for short “Cr.P.C”) for grant of pre-arrest bail to the

petitioner in DDR No. 31 dated 22.08.2023 registered under Sections 458, 323, 427 & 148 read with Section 149 IPC (Section 325 IPC added later on), Police Station Sadar, Faridkot in FIR No.152 dated 21.08.2023, under Sections 323 & 148 read with Section 149 IPC (Section 325 IPC added later on) and (Section 458 IPC deleted later on), at Police Station, Sadar District Faridkot.

2. Allegations against the petitioners are that they along with co-accused formed an unlawful assembly and in prosecution of their common object, trespassed into the house of complainant Jaswinder Singh. Petitioner Waheguru Singh gave a brick blow on left eye of Jaswinder Singh and *danda* blow on the shoulder of Paramjit Singh.

3. A Coordinate Bench of this Court vide order dated 13.10.2023, granted interim bail to petitioners and the same reads as under:-

*“Instant petition has been filed under Section 438, Cr.P.C., for grant of anticipatory bail in:-*

| DDR No.                            | Dated      | Police Station  | Sections(s)                                                                 |
|------------------------------------|------------|-----------------|-----------------------------------------------------------------------------|
| 31 in FIR No. 152 dated 21.08.2023 | 22.08.2023 | Sadar, Faridkot | 458, 323, 427, 148, 149 IPC (Section 325 IPC added vide order passed today) |

*Counsel for the petitioners submits that an altercation took place between the parties, who are neighbours, over a petty issue. He submits that it is a case of version and cross version and FIR, Annexure P1, was lodged by mother of the petitioner No.1, who has also received grievous injuries. Counsel submits that although the petitioners are involved in some other criminal cases, but insofar as the allegations in the present case are concerned, those are fabricated. He submits that the petitioners are prepared to join the investigation.*

*List on 08.01.2024*

*Petitioners are directed to appear before the Investigating Officer on 26.10.2023 at 10:00 A.M. at Police Station Sadar, Faridkot, and join the investigation and appear as and when called*

*by the Investigating Officer. In the event of arrest, they shall be admitted to interim bail on furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. They shall also abide by the conditions as specified under Section 438(2) Cr.P.C”*

4. Learned counsel on instructions from petitioners submits that in pursuance of the aforesaid order, they joined investigation and their custodial interrogation is not required by the Police. Also submits that it is a case of version and cross-version.
5. The above factual position is duly acknowledged by learned State Counsel, on instructions from quarter concerned and fairly submitted that custodial interrogation of the petitioners is not required, at this stage.
6. Although, learned counsel for complainant objected to the prayer of the petitioners, but since State is not asking for custodial interrogation, therefore, the objection of complainant stands rejected. Consequently, interim order dated dated 13.10.2023 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.
7. It is also made clear that petitioners 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 criminal misc. application(s), if any, shall also stand disposed off.

08.01.2024  
SN

(MAHABIR SINGH SINDHU)  
JUDGE

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