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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-49778-2023 (O&M)

Date of decision: 08.02.2024

Shanky Khurana

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:

Mr. Partap Singh, Advocate
for the petitioner.

Mr. Kiran Pal Singh, AAG, Haryana.

Mr. S.K. Tripathi, Advocate,
for the complainant.

MAHABIR SINGH SINDHU, J.

CRM-5908-2024

Application for placing on record Annexures A-1 to A-3 is
allowed as prayed for subject to all just exceptions.

Registry to tag the same at appropriate place.

CRM-M-49778-2023

Present petition under Section 438 of the Code of Criminal
Procedure, 1973 (Cr.P.C.) has been filed for grant of pre-arrest bail to the
petitioner in FIR No. 165 dated 12.08.2023 registered under Sections 148,
323, 427, 452, 506 read with Section 149 Indian Penal Code and Section 25
of the Arms Act, 1959 (Section 325 IPC added later on), at Police Station,
Gobindgarh Mandi, District Fatehgarh Sahib.

(2) Allegations are that he along with co-accused entered the house of the complainant during night on 11.08.2023 and caused injuries with sword.

(3) This Court, on 03.10.2023, granted interim bail to the petitioner and which reads as under:-

“Contends inter alia that except the present one, there is no other criminal case pending against the petitioner.

Notice of motion.

Mr.Jaiteshwar S. Bhandari, AAG, Punjab, accepts notice on behalf of the respondent-State and seeks time to have instructions and/or file written response in the matter.

Posted for 28.11.2023.

In the meanwhile, petitioner shall join investigation before the Investigating Officer. In the event of his arrest, the Arresting Officer would admit him to interim bail, till the next date of hearing, on furnishing adequate bail and surety bonds to his satisfaction. The petitioner shall also abide by all the conditions as envisaged under Section 438(2) of the Code of Criminal Procedure, 1973.”

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

(5) Learned State Counsel has raised no objection and submits that petitioner has joined investigation and as on today, his custodial interrogation is not required.

(6) On the other hand, learned counsel for the complainant vehemently opposed the prayer of the petitioner. Since, learned State counsel is not asking for custodial investigation of petitioner, therefore, the objection raised by learned counsel for the complainant is rejected.

In view of above, interim order dated 03.10.2023 is made

absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.

(8) It is also made clear that the petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.

(9) 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.

(10) It is made clear that in case of any recurrence on the part of the petitioner, the State of Punjab would be at liberty to move an application for recalling of this order.

(11) Disposed off accordingly.

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

08.02.2024

Satyawan

**(MAHABIR SINGH SINDHU)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No