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

CRM-M-49973-2023 (O&M)

Date of decision : 07.02.2024

Vishal Garg

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Ajay Sihag, Advocate,
for Mr. Nirmaljeet Singh Sidhu, Advocate,
for the petitioner.

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

MAHABIR SINGH SINDHU, J.

Petition under Section 438 of the Code of Criminal Procedure, 1973 has been filed for grant of pre-arrest bail to the petitioner in FIR No.140 dated 28.06.2020, under Sections 452, 323, 506, 148 read with Section 149 of the Indian Penal Code, 1860, registered at Police Station Canal Colony, District Bathinda.

2. Allegations are that petitioner along with other co-accused trespassed into the house of complainant and gave beating to them.

3. This Court, on 04.10.2023, granted interim bail to petitioner and relevant part of the same reads as under:-

“It transpires that injuries are simple in nature.

Notice of motion for 30.11.2023.

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. Contends that in terms of the aforesaid order, petitioner has already joined investigation and his custodial interrogation is not required.
5. Above factual position is duly acknowledged by learned State Counsel, on instructions from ASI Kashmir Singh and further stated that custodial interrogation of the petitioner is not required at this stage.
6. In view of above, interim order dated 04.10.2023 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.
7. It is also made clear that 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.

07.02.2024

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(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking / reasoned :
Whether Reportable :

Yes	No
Yes	No