

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

CRM-M-51718-2023 (O&M)

Date of decision : 05.02.2024

Sukhpal Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Arshdeep Singh Brar, Advocate for the petitioner.

Mr. Joginder Pal Ratra, Sr. DAG, Punjab, for the respondent.

MAHABIR SINGH SINDHU, J.

(1) 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.196 dated 06.09.2023, under Sections 323, 452, 148 read with Section 149 of the Indian Penal Code, 1860, registered at Police Station City Moga, District Moga.

(2) Above FIR was registered on the basis of statement made by complainant-Swaranjit Kaur with the allegations that petitioner along with some unknown persons in prosecution of their common object forcibly entered into her house and inflicted injuries.

(3) The Coordinate Bench, on 12.10.2023, granted interim bail to petitioner and the order passed in the main petition reads as under:-

“Contends inter alia that petitioner is inclined to settle the matter with complainant.

Notice of motion.

On asking of the Court, Mr. Joginder Pal Ratra, Sr. DAG, Punjab accepts notice on behalf of the respondent and seeks time to have instructions and/or file written response in the matter.

Posted for 29.11.2023.

In the meanwhile, 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.”

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

(5) Learned State Counsel, on instructions from A.S.I. Sukhpal Singh, acknowledged that petitioner joined investigation, but opposed the prayer for pre-arrest bail.

(6) In view of above, interim order dated 12.10.2023 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) Also clarified that in case there is recurrence on the part of the petitioners, the State of Punjab would be at liberty to move an application for recalling of this order.

- (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) Disposed off accordingly.
- (11) Pending application(s), if any, shall also stand disposed off.

05.02.2024
monika

(MAHABIR SINGH SINDHU)
JUDGE

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