

211 **IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

CRM M-53513-2023 (O&M)
Date of Decision: 12.02.2024

Gurmail Singh Petitioner

Versus

State of PunjabRespondent

CORAM: HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Manoj Kumar, Advocate,
for the petitioner.

Ms. Avneet, AAG, Punjab
assisted by ASI Satbir Singh.

MAHABIR SINGH SINDHU. J.

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 FIR No.115 dated 07.08.2023 registered under Sections 181, 419, 420, 466, 468, 471, 474 and 120-B IPC at Police Station, Division No.4 (Lahori Gate), Patiala.

2. Allegations are that petitioner identified his co-accused Harnek Singh, who stood as surety for release of accused Harbans Lal on bail in a complaint case under Section 138 of Negotiable Instruments Act.

3. A Coordinate Bench of this Court vide order dated 20.10.2023, granted interim bail to petitioner and the same reads as under:-

“Notice of motion.

On advance service of copy of petition, learned State counsel appears and accepts notice on behalf of respondent-State of Punjab and seeks time to file reply.

Post it on 04.12.2023.

*In the meanwhile, petitioner shall join investigation,
as and when required by the Investigating Agency and*

subject to his reporting to the Investigating Officer within two weeks from today, no coercive steps qua arrest of the petitioner shall be taken. In case, his arrest is required to be caused, petitioner shall be released on bail by the Arresting Officer till the next date of hearing on his furnishing personal bonds to the satisfaction of Arresting Officer. Petitioner shall also abide by all the conditions as envisaged under Section 438(2) Cr.P.C.”

4. Learned counsel on instructions from petitioner submits that in pursuance of the aforesaid order, he has joined investigation, therefore, his custodial interrogation is not required.
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 petitioner is not required, at this stage.
6. In view of above, interim order dated 20.10.2023 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 be not 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.

12.02.2024
SN

(MAHABIR SINGH SINDHU)
JUDGE

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