

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

**CRM-M-53771-2023 (O&M)  
Date of decision : 26.02.2024**

Niraj

...Petitioner

*Versus*

State of Punjab

...Respondent

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

Present: Mr. A.P.S.Sandhu & Mr. Ashish Kaushik, Advocates  
for the petitioner.

Mr. Neeraj Madan, Sr. DAG, Punjab for the respondent.

\*\*\*\*\*

**MAHABIR SINGH SINDHU, J.**

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.161 dated 18.02.2023, under Sections 307, 323, 324, 148 read with Section 149 of the Indian Penal Code, 1860, registered at Police Station Gate Hakima, District Amritsar.

(2) Above FIR was registered on the basis of complaint made by Gopi with the allegations that petitioner, armed with *kirch*, along with co-accused, who were armed with *datar*, *kirpan* & baseball bat, caused multiple injuries to the complainant party.

(3) This Court, on 18.12.2023, granted interim bail to petitioner and the order reads as under:-

*“Short reply by way of affidavit dated 08.12.2023 of Sh. Surinder Singh, ACP, Central, Amritsar City, along with Annexure R-1, in compliance of order dated 30.10.2023 has been filed. The same is taken on record. Copy thereof supplied to the opposite side.*

*Learned Counsel for the petitioner, while making reference to para 7 of the aforesaid affidavit, submits that so far as injury No.3 is concerned, it is only an abrasion and injury No.6 is simple in nature. Also submits that there is no other criminal case pending against the petitioner.*

*Learned State Counsel seeks time to verify the pendency of other criminal case(s) against the petitioner.*

*Posted for 26.02.2024.*

*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 the 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 ASI Balwinder Masih, acknowledged that petitioner has joined investigation and as on today, his custodial interrogation is not required.

(6) In view of above, interim order dated 18.12.2023 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) It is clarified that in case there is recurrence on the part of the petitioner, State would be at liberty to move an appropriate application for recalling of this order.
- (10) Disposed off accordingly.
- (11) Pending application(s), if any, shall also stand disposed off.

26<sup>th</sup> February, 2024  
Gagan

( MAHABIR SINGH SINDHU )  
JUDGE

|                           |        |
|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether Reportable        | Yes/No |