

204

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

CRM-M-55137-2023 (O&M)

Date of decision : 25.01.2024

Mustakim

...Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Jamshed Ahmed , Advocate,
for the petitioner.

Mr. Kiran Pal Singh, AAG, Haryana,
assisted by SI Kalu Ram.

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.444 dated 26.11.2022, under Sections 506 read with Section 34 of the Indian Penal Code, 1860 (for short, the IPC') and Sections 325 & 307 of the IPC (added subsequently), registered at Police Station, Ferozpur Jhirka, District Nuh.

2. Allegations are that petitioner along with other co-accused caused injuries to the complainant as well as other victims and criminally intimidated them.

3. This Court, on 09.11.2023, granted interim bail to petitioner and relevant part of the same reads as under:-

"Contends inter alia that there is seven days' delay in registration of the FIR in the present case as occurrence had taken place on 19.11.2022; whereas the FIR was registered on

26.11.2022. Also contends that parties are related to each other and there is no other criminal case pending against the petitioner.

Notice of motion.

Mr. Kiran Pal Singh, AAG, Haryana, accepts notice on behalf of the respondent-State and seeks time to have instructions and/or file written response in the matter.

Posted for 08.01.2024.

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 SI Kalu Ram and further stated that custodial interrogation of the petitioner is not required at this stage.

6. In view of above, interim order dated 09.11.2023 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.

25.01.2024
atulsethi

(MAHABIR SINGH SINDHU)
JUDGE

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