



CRM-M-57068-2023

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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

237/2

CRM-M-57068-2023 (O&M)

Date of Decision: 12.09.2024

Resham Singh Lamberdar

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU**Present:** Mr. Rishu Mahajan, Advocate for the petitioner.

Ms. Neha Sonawane, DAG, Punjab.

Mr. N.K.Banka, Advocate for the complainant.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 seeking pre-arrest bail in FIR No. 71 dated 12.05.2023, under Sections 452, 307, 506 and 148 read with Section 149 of the Indian Penal Code, 1860 (for short, 'the IPC') and Sections 25 and 27 of Arms Act, 1959, registered at Police Station Lopoke, District Amritsar.

2. Allegations are that petitioner along with other co-accused formed an unlawful assembly and in prosecution of the common object of the said assembly, caused injuries to *de facto* complainant-Kulbir Singh with guns, sticks and base balls with intention to kill him.

3. Contends that the Co-ordinate bench of this Court granted interim bail to the petitioner on 14.11.2023 and in terms thereof, he has already joined the investigation and his custodial interrogation is not required.



4. Above factual position is duly acknowledged by learned State counsel, on instructions from the police officer present in Court and further stated that custodial interrogation of the petitioner is not required at this stage.

5. Learned counsel for the *de facto* complainant has also acknowledged the factum of compromise between the parties.

6. Heard learned counsel for the parties and perused the paper-book.

7. The Co-ordinate Bench of this Court on 14.11.2023 while issuing notice of motion passed the following order:-

“Learned counsel for the petitioner submitted that the present is a case of version and cross-version and it is yet to be ascertained at the time of trial as to who was the aggressor party. He further submitted that it is a case of no injury to anybody.

Notice of motion.

Mr. Ramdeep Partap Singh, Senior DAG, Punjab, accepts notice on behalf of the respondent-State.

Adjourned to 22.02.2024.

In the meantime, the petitioner is directed to join the investigation and to co-operate fully with the investigation process and on his doing so, the petitioner be released on interim bail, subject to his furnishing personal bonds and surety to the satisfaction of the Arresting/Investigating Officer. However, the petitioner shall continue to join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C. ”

8. It is acknowledged by learned State counsel that in pursuance of above order, petitioner has joined investigation and his custodial interrogation is not required at this stage.

9. In view of above and the fact that parties i.e petitioner and *de facto* complainant have compromised the matter, interim order dated



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14.11.2023 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.

10. It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.

11. 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.

12. It is made clear that in case of any recurrence on the part of the petitioner, the State would be at liberty to move an application for recalling of this order.

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

12.09.2024 (MAHABIR SINGH SINDHU)
Rajeev (rvs) JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No