

212-1

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

**CRM-M-57147-2023 (O&M)
Date of decision : 20.02.2024**

Abrar @ Bablu Gujjar

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Mahipal Singh, Advocate,
for Mr. Sunny K. Singla, Advocate,
for the petitioner.

Mr. Neeraj Madaan, Sr. DAG, Punjab,
assisted by ASI Sheesh Pal.

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.47 dated 29.04.2023, under Sections 458, 323, 506, 427, 336, 148 read with Section 149 (Section 307 added subsequently) of the Indian Penal Code, 1860; and Section 25 of the Arms Act, 1959, registered at Police Station Sadar Ahmedgarh, District Malerkotla.

2. Allegations are that petitioner along with other co-accused fired gunshots in air; trespassed into the house of complainant; and caused injuries to him with deadly weapons with an intention to kill him.

3. This Court, on 17.11.2023, granted interim bail to petitioner and relevant part of the same reads as under:-

“Contends inter alia that this is a no injury case.

Learned counsel for the respondent-State seeks time to file a short affidavit regarding the role of the petitioner.

Posted for 11.01.2024.

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 the Police Officer present in Court and further stated that custodial interrogation of the petitioner is not required at this stage.

6. In view of above, interim order dated 17.11.2023 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.

20.02.2024

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(MAHABIR SINGH SINDHU)

JUDGE

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