



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-14487-2024 In/and
CRM-M-57279-2023(O&M)
Date of decision: 21.05.2024

Khem Chand alias Honey
...Petitioner
Versus
State of Punjab
...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Chetan Goyal, Advocate for the petitioner.
Ms. Manjot Kaur, AAG, Punjab.
Mr. J.S. Sekhon, Advocate for the complainant.

MAHABIR SINGH SINDHU, J.

CRM-14487-2024

Application under Section 482 Cr.P.C. for placing on record
Annexures A-1 and A-2.

For the reasons mentioned in the application, same is allowed as
prayed for subject to all just exceptions. Annexures A-1 and A-2 are taken on
record. Registry to tag the same at appropriate place.

Main case

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.
107 dated 14.09.2023, under Sections 148, 323, 324, 427, 452, 506 read with
Section 149 of Indian Penal Code, 1860 (for short 'IPC') (Sections 326 & 307
of IPC added later on), registered at Police Station Urban Estate, Patiala.

2. Allegations are that petitioner alongwith co-accused attacked the
complainant party with deadly weapons and caused injuries with intention to kill
them.



3. Contends that this Court granted interim bail to the petitioner on 21.11.2023 passed by this Court 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 complainant opposes the prayer made by learned counsel for the petitioner.

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

7. This Court on 21.11.2023 while issuing notice of motion passed the order, the relevant portion of which is extracted herein below:-

“ Status report dated 21.11.2023 way of affidavit of Jaswinder Singh Tiwana, PPS, Deputy Superintendent of Polcie, City-2, District Patiala, on behalf of the respondent, filed by learned State counsel, is taken on record. Copy thereof supplied to the opposite side.

Registry to tag the same at appropriate place.

Contends inter alia that there is no injury attributed to the petitioner.

Learned State counsel seeks time to have instructions in the matter.

Posted for 16.01.2024.

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.”

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. Although learned counsel for the complainant has opposed the prayer of the petitioner, but learned State counsel has not raised any objection to that effect, hence, the contention of learned counsel for the complainant is rejected.
10. In view of above, interim order dated 21.11.2023 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.
11. It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.
12. 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.
13. 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 appropriate application for recalling of this order.
14. Disposed off accordingly.
15. Pending application(s), if any, shall also stand disposed off.

21.05.2024
Harish Kumar

(MAHABIR SINGH SINDHU)
JUDGE

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