

209

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

**CRM-M-59472-2023 (O&M)
Date of decision : 23.04.2024**

Gagan

...Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Ranjeet Singh Chauhan, Advocate,
for the petitioner.

Mr. Kiran Pal Singh, AAG, Haryana.

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.0103 dated 17.02.2023, under Sections 147, 148, 186, 332 & 353 of the Indian Penal Code; and Section 61 of the Punjab Excise Act, 1914 (Haryana Amendment Bill, 2020), registered at Police Station City Palwal.

2. Allegations are that petitioner along with other co-accused attacked the police party which had gone to conduct a raid with regard to sale of illicit liquor.

3. Contends that this Court, granted interim bail to petitioner on 18.12.2023 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. Heard learned counsel for the parties and perused the paper-book.

6. It is an admitted position that petitioner was granted interim bail by this Court/ the Coordinate Bench on 18.12.2023 and relevant part of the same is recapitulated as under:-

“Status Report by way of affidavit dated 17.12.2023 of Ms. Jasleen Kaur, Additional Superintendent of Police, Palwal, along with Annexures R-1 & R-2, has been filed. The same is taken on record. Copy thereof supplied to the opposite side.

Learned Counsel for the petitioner contends, inter alia, that main accused-Dheeraj has already been released on regular bail by the Court of learned Additional Sessions Judge, Palwal, vide order dated 02.12.2023 and there is no other criminal case pending against the petitioner.

Learned State Counsel seeks time to verify the above factual position.

Posted for 27.02.2024.

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..”

7. It is acknowledged by learned State counsel that in pursuance of above order, petitioner has joined the investigation and his custodial interrogation is not required at this stage.
8. 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.
9. It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.
10. 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.
11. Disposed off accordingly.
12. Pending application(s), if any, shall also stand disposed off.

23.04.2024
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(MAHABIR SINGH SINDHU)
JUDGE

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