

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

**CRM-M-60380-2023 (O&M)
Date of decision : 22.04.2024**

Gurjant Singh @ Gaggi

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Munish Garg, Advocate for the petitioner.

Ms. Manjot Kaur, AAG, Punjab for the respondent.

MAHABIR SINGH SINDHU, J.

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.62 dated 27.10.2023, under Sections 323, 341, 506 read with Section 34 of the Indian Penal Code, 1860 (Section 326 IPC added later on), registered at Police Station Sehna, District Barnala.

(2) Above FIR was registered on the basis of statement made by complainant-Sukhpreet Kaur with the allegations that petitioner, armed with iron rod, along with other co-accused, armed with *Gandasa* & Sticks, wrongfully confined her sister Veerpal Kaur and her son Yadwinder Singh

and also abused the complainant party. Thereafter, all accused caused multiple injuries to them. On raising alarm, accused decamped with their respective weapons.

(3) Contends that petitioner was granted interim bail by this Court, vide order dated 01.12.2023 and in pursuance thereof, he has already joined the investigation; thus, his custodial interrogation is not required.

(4) Learned State Counsel, on instructions from HC Rajwinder, acknowledged the above factual position and submits that as on today, custodial interrogation of the petitioner is not required.

(5) Heard learned Counsel for the parties and perused the paper-book.

(6) It is not in dispute that petitioner was granted interim bail by this Court on 01.12.2023 and the order reads as under:-

“Contends, inter alia, that there is a delay of 10 days in registration of the FIR.

Notice of motion.

On asking of the Court, Mr. Joginder Pal Ratra, Sr. DAG, Punjab accepts notice on behalf of the respondent and seeks time to have instructions and/or file written response in the matter.

Posted for 29.02.2024.

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 on instructions from HC Rajwinder that in pursuance of the aforesaid order, petitioner joined the investigation and as on today, his custodial interrogation is not required.
- (8) In view of the above, present petition is allowed; interim order dated 01.12.2023 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) It is clarified that in case there is recurrence on the part of the petitioner, State would be at liberty to move an appropriate application for recalling of this order.
- (12) Pending application(s), if any, shall also stand disposed off.

22nd April, 2024
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

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