

213-1

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

**CRM-M-61519-2023 (O&M)
Date of decision : 30.04.2024**

Darshan Singh

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Gurbir Singh Sidhu, Advocate,
for the petitioner.

Ms. Manjot Kaur, AAG, Punjab.

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.76 dated 20.04.2023, under Sections 324, 323, 341, 506 and 148 read with Section 149 (Section 326 added subsequently) of the Indian Penal Code, 1860, registered at Police Station Sadar Nabha, District Patiala.

2. Allegations are that petitioner along with other co-accused gave beatings to the informant-*de facto* complainant.

3. Contends that Coordinate Bench, granted interim bail to the petitioner on 07.12.2023; in terms thereof, he has already joined investigation and as such, 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 submits 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 the Coordinate Bench on 07.12.2023 and relevant part of the order reads as under:-

“Instant petition has been filed under Section 438, Cr.P.C., for grant of anticipatory bail in:-

<i>FIR No.</i>	<i>Dated</i>	<i>Police Station</i>	<i>Section(s)</i>
76	20.04.2023	Sadar Nabha, District Patiala	324, 323, 341, 506, 148, 149, IPC, Section 326, IPC, was added, later on.

Counsel for the petitioner submits that an altercation took place between the villagers as co-accused, Davinder Singh, posted objectionable messages in a Whatsapp group in an inebriated state. He submits that the allegations against the petitioner are that he instigated the co-accused and restrained the complainant, whereas, co-accused, Avtar Singh, hit him with a sharp edged weapon and Davinder Singh hit him with a wooden stick. Counsel submits that the allegations against the petitioner, who is a septuagenarian, are false, and he is prepared to cooperate with the investigation.

Notice of motion.

On asking of the Court, Mr. Arun Luthra, DAG, Punjab, accepts notice on behalf of the respondent-State.

List on 13.03.2024.

Petitioner is directed to appear before the Investigating Officer on 22.12.2023 at 10.00 A.M. at Police Station Sadar Nabha, District Patiala, and join the investigation and appear as and when called by the Investigating Officer. In the event of arrest, he shall be admitted to interim bail on furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer.

He shall also abide by the conditions as specified under Section 438 (2) Cr.P.C.”

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

8. In view of the above, interim order dated 07.12.2023 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.

30.04.2024

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**(MAHABIR SINGH SINDHU)
JUDGE**

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