

204(5) **IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

CRM M-62116-2023 (O&M)
Date of Decision: 20.01.2024

Harpreet Singh

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

Present: Ms. Deepti Rampal, Advocate,
for the petitioner.

Mr. Joginder Pal Ratra, Sr. DAG, Punjab
assisted by ASI Sukhdev Raj.

MAHABIR SINGH SINDHU. J.

Present petition has been filed under Section 438 of the Code of Criminal Procedure (for short “Cr.P.C”) for grant of pre-arrest bail to the petitioner in FIR No.95 dated 12.07.2023 registered under Sections 323, 324, 341 & 148 read with Section 149 IPC (Offences under Sections 307, 452 & 326 IPC added later on) registered at Police Station Division No.2, Pathankot.

2. Allegations in brief are that petitioner and his co-accused formed an unlawful assembly and in prosecution of their common object, gave *datar* blow(s) on the person of Sarabjit Singh @ Jagga, Narinderjit Kaur, Pritam Singh, Ajaypal & Jatinder Singh @ Cheena.

3. This Court vide order dated 13.12.2023, granted interim bail to petitioner and the same reads as under:-

“Contends inter alia that it is a case of version & cross-version and moreover, petitioner also suffered grievous injury in the same very incident. has not been attributed any injury attracting Section 307 IPC.

Notice of motion.

Mr. C.L. Pawar, Addl. AG, Punjab accepts notice on behalf of respondent-State and seeks time to have instructions and/or file written response in the matter.

Posted for 17.01.2024.

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 Code of Criminal Procedure, 1973.

To be heard along with CRM-M-57485-2023.”

4. Learned counsel on instructions from petitioner submits that in pursuance of the aforesaid order, he has joined investigation and his custodial interrogation is not required. Also submits that it is a case of version & cross-version and moreover, petitioner also suffered grievous injury in the same very incident.

5. The above factual position is duly acknowledged by learned State Counsel, on instructions from quarter concerned and fairly submitted that custodial interrogation of the petitioner is not required, at this stage.

6. In view of above, interim order dated 13.12.2023 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 criminal misc. application(s), if any, shall also stand disposed off.

20.01.2024
SN

(MAHABIR SINGH SINDHU)
JUDGE

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