

CRM-M-61809-2023 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-61809-2023 (O&M)

Date of decision : 15.01.2024

Rakesh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHUPresent : Mr. Balram Prashar, Advocate,
for the petitioner.Mr. Jashan Preet Singh, DAG, Punjab,
for the respondent.**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.57 dated 27.04.2023, under Sections 419, 420, 384, 506 and 120-B of the Indian Penal Code, 1860, registered at Police Station Sarabha Nagar, District Ludhiana.

2. Above FIR was registered on the statement of complainant-Surinder Pal Singh with the allegations that the petitioner along with his accomplices came to his house in the guise of another person and gave threats to his wife with dire consequences and also demanded ransom.

3. The Co-ordinate Bench, on 08.12.2023, granted interim bail to petitioner and relevant part of the same is recapitulated as under:-

“This is a petition filed under Section 438 Cr.P.C. seeking anticipatory bail in case FIR No.57 dated 27.04.2023, under Sections 419, 420, 384, 506 and 120-B IPC registered at Police Station Sarabha Nagar, Police Commissionerate Ludhiana.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. On the same set of allegations, co-accused have been granted the concession of interim anticipatory bail by this Court. It is further submitted that no specific role has been attributed to the petitioner as was in the case of co-accused who have been granted the concession aforesaid. Learned counsel for the petitioner states that the petitioner is ready to join investigation and cooperate with the investigating agency.

Notice of motion.

Mr. Hakam Singh, AAG, Punjab, accepts notice on behalf of respondent-State and waives service. Learned State counsel seeks time to file reply/status report.

List on 15.01.2024.

In the meanwhile, petitioner shall join the investigation and would associate as and when called. In the event of arrest, the petitioner shall be admitted to interim bail on furnishing personal bond and surety to the satisfaction of Arresting Officer/Investigating Officer. The petitioner shall abide by the conditions specified in Section 438(2) Cr.P.C."

4. Contends that in terms of the aforesaid order, petitioner has already joined investigation and his custodial interrogation is not required.
5. Above factual position is duly acknowledged by learned State Counsel, on instructions from SI Balbir Singh, and further stated that custodial interrogation of the petitioner is not required at this stage.
6. In view of the above, interim order dated 08.12.2023 is made absolute.
7. It is also made clear that petitioner shall appear on each date of hearing and to fully co-operate with learned trial Court without seeking any unnecessary adjournment(s).

8. The above observation may not be construed as an expression

of opinion on the merits of the case.
9. Pending application(s), if any, shall also stand disposed off.

15.01.2024
adhikari

(MAHABIR SINGH SINDHU)
JUDGE

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