

210-2

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

**CRM-M-62496-2023 (O&M)
Date of decision : 06.03.2024**

Malkeet Singh

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Ms. Riffi Birla, Advocate for the petitioner.

Mr. Neeraj Madaan, Sr. DAG, Punjab.

Mr. Kuldip Singh, Advocate for the complainant.

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.164 dated 04.09.2023, under Sections 341, 506, 323 read with Section 34 (Sections 379-B, 379, 427 added subsequently) of the Indian Penal Code, 1860, registered at Police Station City Fazilka, District Fazilka.

2. Allegations are that petitioner along with other co-accused gave beatings to the complainant; snatched Rs.53,000/- from cash-box of his shop as well as his mobile phone.

3. Contends that this Court, granted interim bail to petitioner on 13.12.2023 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. However, learned State counsel has apprised the Court that Section 201 IPC has also been added subsequently.

5. On the other hand, learned counsel for the complainant vehemently opposed the prayer of petitioner.

6. Heard learned counsel for the parties and perused the paper-book.

7. On oral request of learned counsel for the petitioner, Section 201 IPC is added in the headnote as well as prayer clause of the petitioner.

Registry to do the needful.

8. It is an admitted position that petitioner was granted interim bail by this Court on 13.12.2023 and relevant part of the same is recapitulated as under:-

“ Contends inter-alia that co-accused (Bimla Rai) has already been granted the concession of interim pre-arrest bail vide order dated 22.11.2023 passed in CRM-M-58909-2023.

Notice of motion.

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

Posted for 30.01.2024.

In the meanwhile, petitioner shall join investigation before the Investigating Officer. In the event of his arrest, the Arresting Officer would admit him to interim bail, till the next date of hearing, on furnishing adequate bail and surety bonds to his satisfaction. The petitioner shall also abide by all the conditions as envisaged under Section 438(2) of Code of Criminal Procedure, 1973.

To be heard along with CRM-M-58909-2023.”

9. 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.

10. Although, learned counsel for the complainant has opposed the prayer of petitioner, but in view of the fact that State of Punjab is not seeking custodial interrogation; therefore, objection raised on behalf of the complainant is rejected.

11. Consequently, the interim order dated 13.12.2023 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.

12. It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.

13. 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.

14. Disposed off accordingly.

15. Pending application(s), if any, shall also stand disposed off.

06.03.2024

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**(MAHABIR SINGH SINDHU)
JUDGE**

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