

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
CRM-M-62655-2023(O&M)
Date of decision: 12.02.2024

Hemant Kumar
...Petitioner

Versus

State of Punjab
...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Rajesh Bhatheja, Advocate for the petitioner.
Ms. Avneet, AAG., Punjab.
Mr. G.S. Dhillon, Advocate and
Mr. S.S. Narula, Advocate for the complainant.

MAHABIR SINGH SINDHU, J.

Present petition under Section 438 of the Code of Criminal Procedure has been filed for grant of pre-arrest bail to the petitioner in cross case DDR No. 24 dated 18.11.2023, under Sections 326, 324, 148 read with Section 149 of Indian Penal Code, 1860, recorded in FIR No. 164, dated 18.11.2023, under Sections 120B, 452, 323, 506, 427, 148 read with Section 149 of Indian Penal Code, 1860, registered at Police Station, Kot Ise Khan, District Moga.

(2) Allegations are that cross version case was registered on the statement made by Arun Sikri-complainant that petitioner and other co-accused formed an unlawful assembly and gave beatings to the complainant with a *kapa and dang*.

(3) This Court while issuing notice of motion on 13.12.2023, granted interim bail to the petitioner and which reads as under:-

*“Contends that it is a version and cross-version case.
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.

At this stage, Mr. Gurinder Singh Dhillon, Advocate, appears on behalf of the complainant and also seeks time to place on record certain documents.

Posted for 12.02.2024.

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 the Code of Criminal Procedure, 1973.”

(4) Learned Counsel for the petitioner submits that in pursuance of the aforesaid order, petitioner has already joined the investigation and his custodial interrogation is not required.

(5) Learned State Counsel on instructions from ASI-Jagwinder Singh acknowledges that in pursuance of aforesaid order, petitioner has joined investigation and as on today, his custodial interrogation is not required.

(6) Although, learned counsel for complainant objected to the prayer of the petitioner, but since State is not asking for custodial interrogation, therefore, the objection of complainant stands rejected.

(7) 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.

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

(9) 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.

(10) It is made clear that in case of any recurrence on the part of the petitioner, the State of Punjab would be at liberty to move an application for recalling of this order.

- (11)Disposed off accordingly.
- (12)Pending application(s), if any, shall also stand disposed off.

12.02.2024
Harish Kumar

(MAHABIR SINGH SINDHU)
JUDGE

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