

211 **IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

CRM M-64026-2023 (O&M)

Date of Decision: 02.04.2024

Hardeep Singh and others

..... Petitioners

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Amritpal Singh Gill, Advocate for
Mr. Davinder Bir Singh, Advocate,
for the petitioners.

Ms. Manjot Kaur, AAG, Punjab
assisted by ASI Prabhjot Singh.

MAHABIR SINGH SINDHU. J.

Present petition has been filed under Section 438 of the Code of Criminal Procedure (for short “Cr.P.C”) for seeking pre-arrest bail in FIR No.110 dated 04.11.2023 registered under Sections 458, 323, 506 & 148 read with Section 149 IPC, at Police Station, Sadar Malout, District Sri Muktsar Sahib.

2. Allegations are that petitioners along with co-accused formed and unlawful assembly and in prosecution of common object of said assembly, trespassed into the house of informant Rajinder Ram and caused him injuries.

3. It transpires that qua petitioner No.1 (Hardeep Singh), petition has already been disposed off as not pressed. However, this Court vide order dated 20.12.2023, granted interim bail to remaining petitioners i.e. No.2 & 3 and the same reads as under:-

*“Contends inter alia that anticipatory bail of petitioner
No. 1 be disposed off as not pressed for.*

Ordered accordingly.

Also submits that co-accused with similar allegation has already been granted the concession of interim pre-arrest bail in CRM-M-59528-2023.

Notice of motion.

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

Posted for 12.02.2024.

In the meanwhile, petitioner Nos. 2 and 3 shall join investigation before the Investigating Officer. In the event of their arrest, the Arresting Officer would admit them to interim bail, till the next date of hearing, on furnishing adequate bail and surety bonds to his satisfaction. The petitioner Nos. 2 and 3 shall also abide by all the conditions as envisaged under Section 438(2) of the Code of Criminal Procedure, 1973.

To be heard along with CRM-M-59528-2023.”

4. Learned counsel on instructions from petitioners No. 2 & 3 submits that in pursuance of the aforesaid order, they have joined investigation, therefore, their custodial interrogation is not required.

5. The above factual position is duly acknowledged by learned State Counsel, on instructions from quarter concerned and fairly submitted that custodial interrogation of petitioners No.2 & 3 is not required, at this stage.

6. In view of the above, interim order dated 20.12.2023 is made absolute, subject to the conditions as envisaged under Section 438(2) Cr.P.C.

7. It is also made clear that petitioners No.2 & 3 shall fully co-operate with the Investigating Officer as and when called for further investigation.

8. The above observations be not 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.

02.04.2024
SN

(MAHABIR SINGH SINDHU)
JUDGE

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