

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

CRM-M-64104-2023 (O&M)
Date of decision : 15.02.2024

Kuldeep Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Inderpal Singh, Advocate for
Mr. Tarun Sharma, Advocate for the petitioner.

Mr. Neeraj Madan, Sr. DAG, Punjab for the respondent.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of pre-arrest bail to the petitioner in cross-case bearing DDR No.026 dated 23.10.2023, under Sections 307, 506, 148 read with Section 149 of the Indian Penal Code, 1860 and Section 27 of the Arms Act, 1959, recorded in FIR No.0148 dated 20.10.2023, under Sections 302, 404, 341, 148 read with Section 149 of the Indian Penal Code, 1860 and Sections 25 & 27 of the Arms Act, 1959, registered at Police Station Kot Ise Khan, District Moga.

(2) Above case was registered on the basis of complaint made by Surinderpal Singh @ Shindi with the allegations that petitioner, along with other co-accused, in prosecution of their common object formed unlawful assembly and fired shot(s) upon his father with intention to kill him.

(3) This Court, while issuing notice of motion on 20.12.2023, granted interim bail to petitioner and the order reads as under:-

“Contends that it is a case of version & cross-version and an FIR No. 0148 dated 20.10.2023 under Sections 302, 404, 341, 148 read with Section 149 of IPC has already been registered against the opposite side. Also submits that even in the cross-version, there is no injury attributed to the petitioner.

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 15.02.2024.

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 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 Surinder, acknowledged that petitioner has joined investigation and as on today, his custodial interrogation is not required.

- (6) In view of 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 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) It is clarified that in case there is recurrence on the part of the petitioner, State would be at liberty to move an appropriate application for recalling of this order.
- (10) Disposed off accordingly.
- (11) Pending application(s), if any, shall also stand disposed off.

15th February, 2024
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

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