

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

**CRM-M-64572-2023 (O&M)
Date of decision : 22.02.2024**

Ramesh Kumar @ Meshi and others

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Jagmeet Singh Moudgill, Advocate
for petitioner Nos.1 & 3.

Petition qua petitioner No.2-Vishal Kumar @ Ghallu
stands withdrawn, vide order dated 21.12.2023.

Ms. Manjot Kaur, AAG, 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 petitioner Nos.1 & 3 in General Diary No.76 dated 15.09.2023 (P-2), under Sections 307, 323, 324, 148 read with Section 149 of the Indian Penal Code, 1860, recorded in FIR No.164 dated 15.09.2023 (P-1), under Sections 307, 323, 324, 148 read with Section 149 of the Indian Penal Code, 1860, registered at Police Station City Budhlada, District Mansa.

(2) Above FIR was registered on the basis of complaint made by Mangal @ Bhatti with the allegations that petitioners, along with co-accused, caused injuries to the complainant party with *Dandas, Soties & Kirpans*.

(3) This Court, while issuing notice of motion on 21.12.2023, granted interim bail to petitioner(s) and the order reads as under:-

“At the outset, learned counsel for the petitioners, on instructions, wishes to withdraw the present petition qua petitioner No.2- Vishal Kumar @ Ghallu, who has already been arrested.

Ordered accordingly.

Contends that it is a case of version & cross-version and moreover, no case under Section 307 of the IPC is made out against the petitioner Nos.1 & 3.

Notice of motion for 22.02.2024.

Mr. C.L. Pawar, Addl.A.G., Punjab, accepts notice on behalf of the respondent-State and seeks time to have instructions and/or file written response in the matter.

In the meanwhile, petitioner Nos.1 & 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.1 & 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-64564-2023.”

(4) Learned Counsel submits that in pursuance of the aforesaid order, petitioner Nos.1 & 3 have already joined the investigation and their custodial interrogation is not required.

- (5) Learned State Counsel, on instructions, acknowledged that aforesaid petitioner(s) have joined investigation and as on today, their custodial interrogation is not required.
- (6) In view of above, interim order dated 21.12.2023 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.
- (7) It is also made clear that petitioner(s) 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(s), 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.

22nd February, 2024
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

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