

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-65152-2023 (O&M)
Date of decision: 12.01.2024

Karan
...Petitioner
Versus

State of Punjab
...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Ms. Himani, Advocate for
Mr. Chandan Singh Rana, Advocate for the petitioner.
Mr. M.S. Tiwana, AAG., Punjab.
Mr. Vikrant Pujara, 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 FIR No.14 dated 16.01.2023, under Sections 323, 324, 148 read with Section 149 of IPC (Section 307 IPC added later on), registered at Police Station, Jalandhar Cantt., District Jalandhar.

(2) Allegations are that when complainant along with Nand Kishore Mahato and Sanjit Kumar were about to close the shop, petitioner along with their accomplices descended at the scene of occurrence and demanded a cart from complainant but he did not agree. Thereupon, petitioner gave blow with sharp edged weapon on the head of Nand Kishore Mahato.

(3) This Court while issuing notice of motion on 05.01.2024, granted interim bail to the petitioner and which reads as under:-

“Contends, inter alia, that matter has been compromised between the parties i.e. petitioner as well as complainant at their own level and co-accused-Arjun @ Lalo has already been granted concession of interim pre-arrest bail by this Court in CRM-M-41046-2023.

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.

Mr. Vikrant Pujara, Advocate, causes representation on behalf of the complainant and acknowledged the factum of compromise between the parties.

Posted for 12.01.2024.

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 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-Chain Singh has raised no objection and submits that petitioner has joined investigation and as on today, his custodial interrogation is not required.
- (6) Learned counsel for the complainant has admitted the factum of the compromise and submits that he would have no objection, if the petitioner is granted concession of pre-arrest bail.
- (7) In view of above, interim order dated 05.01.2024 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.

12.01.2024
Harish Kumar

(MAHABIR SINGH SINDHU)
JUDGE

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