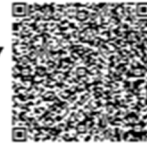


2025:PHHC:034297



209 (3rd case)

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

**CRM-M-12491-2025 (O&M)
Date of decision: 10.03.2025**

Rajwinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. Ashok Soni, Advocate for
Mr. Pankaj Garg, Advocate for the petitioner.

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 (now Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023) [*for short 'BNSS'*] for grant of pre-arrest bail to the petitioner in FIR No.112 dated 13.11.2024 (P-1), under Sections 126(2), 118(1), 115(2), 351(2), 324(4), 191(3) read with Section 190 of the Bharatiya Nyaya Sanhita, 2023 (*for short 'BNS'*) [Sections 303(2) & 117 (2) of the BNS added later on], registered at Police Station Raman, District Bathinda.

(2) Allegations are that petitioner along with co-accused attacked complainant and gave injuries to him with Sword.

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(3) Contends that petitioner was granted interim protection by this Court, vide order dated 05.03.2025 and in pursuance thereof, he has already joined the investigation; hence, his custodial interrogation is not required.

(4) The above factual position is not disputed by learned State Counsel, on instructions from ASI Gurtej Singh and submits that as on today, custodial interrogation of the petitioner is not required.

(5) Heard learned Counsel for the parties and perused the paper-book.

(6) It transpires that petitioner was granted interim protection by this Court, vide order dated 05.03.2025 and the order reads as under:-

“Contends, inter alia, that co-accused with similar allegations has already been granted interim protection by this Court on 23.01.2025 in CRM-M-2618-2025.

Notice of motion.

At this stage, Mr. Kunwarbir Singh, learned AAG, Punjab accepts notice on behalf of respondent; seeks time to have instructions and/or to file response in the matter.

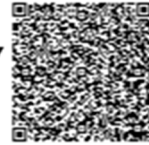
Posted for 10.03.2025.

In the meanwhile, petitioner shall join investigation before the Investigating Officer, but he be not arrested till the next date of hearing.

To be heard along with CRM-M-2618-2025.”

(7) It is duly acknowledged by learned State Counsel that in pursuance of the aforesaid order, petitioner has joined investigation and his custodial interrogation is not required.

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(8) In view of the above, there is no justification to deny the concession of pre-arrest bail to the petitioner. Consequently, present petition is allowed; interim order dated 05.03.2025 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C./482 (2) of the BNSS.

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

(10) The above observations be not construed as an expression of opinion on merits of the case; rather confined only to decide the bail matter.

(11) It is also clarified that in case of any recurrence on the part of petitioner, State would be at liberty to move an appropriate application for recalling of this order.

Pending application(s), if any, shall also stand disposed off.

10th March, 2025
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>