

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

Sr. No.: 208

Criminal Miscellaneous No.M-18520 of 2015 (O & M)

Date of Decision: July 20, 2015

Balbir Singh

..... PETITIONER

VERSUS

State of Punjab

..... RESPONDENT

...

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

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1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

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PRESENT: - Mr. Vipin Mahajan, Advocate, for the petitioner.

Mr. T.N. Sarup, Additional Advocate General, Punjab.

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Jaspal Singh, J (Oral)

1. This is a petition under Section 438 Cr.P.C. preferred by Balbir Singh seeking pre-arrest bail, apprehending his arrest in case FIR No.72 dated July 10, 2013 under Sections 307, 323, 324, 341, 148, 149 IPC, registered at Police Station, Old Shalley, District Gurdaspur.
2. While issuing notice of motion on June 29, 2015, following order was passed by this Court:-

“Learned counsel for the petitioner inter alia contends that petitioner has been wrongly declared proclaimed offender while initiating proceedings under Section 82 Cr.P.C. In fact, proceedings, so carried out by the Id. trial court are absolutely against the legal proposition. As far as the role attributed to present petitioner is concerned, he is alleged to have inflicted simple injuries with DATAR on the left biceps and palm of right hand of complainant-Gurmit Singh. It has further been contended by learned counsel for petitioner that though Section 307 IPC has been attracted but no such offence is made out even, if the contents of FIR are taken on its face value. Both injuries attributed to the petitioner, otherwise, fall within the ambit of Section 324 IPC and are on the nonvital parts of complainant.

Notice of motion for 20.07.2015.

In the meanwhile, petitioner is directed to join the investigation. In the event of arrest, petitioner shall be released on prearrest bail at the satisfaction of the Arresting Officer/Investigating Officer subject to the following conditions, as envisaged under section 438(2) Cr.P.C:

- (i) that the petitioner shall make himself available for interrogation by a police officer as and when required;
- (ii) that the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;
- (iii) that the petitioner shall not leave India without the previous permission of the Court.”

3. Learned State counsel, on instructions from ASI _ Harbans Singh, submits that petitioner has joined investigation in compliance of order dated June 29, 2015 and is no more required for further interrogation.

4. Keeping in view all the aspects of the case and without expressing any opinion on merits of case, petition is allowed. Order dated June 29, 2015 is hereby made absolute. It is directed that petitioner shall continue to abide by the conditions envisaged under Section 438(2) Cr.P.C.

July 20, 2015
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(Jaspal Singh)
Judge