

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

207

CRM-M No.42585 of 2014

Date of Decision:02.02.2015

**Balkar Singh and another**

**.....Petitioners**

**Versus**

**State of Punjab**

**.....Respondent**

**CORAM: HON'BLE MR. JUSTICE MEHINDER SINGH SULLAR.**

**Present: Mr.Sandeep Arora, Advocate,  
for the petitioners.**

**Mr.Jaspreet Singh Sekhon, Assistant Advocate General,  
Punjab, for the respondent-State.**

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**MEHINDER SINGH SULLAR, J.(oral)**

The petitioners have preferred the instant petition for the grant of concession of anticipatory bail in a case registered against them along with their other co-accused, vide FIR No.106 dated 23.11.2014, on accusation of having committed the offences punishable under Sections 452, 323, 324, 325, 148 and 149 IPC, by the police of Police Station Dera Baba Nanak, District Gurdaspur.

2. Notice of the petition was issued to the State.

3. After hearing the learned counsel for the parties, going through the record with their valuable assistance and deep consideration of the entire matter, to my mind, the present petition for anticipatory bail deserves to be accepted in this context.

4. Precisely, the prosecution, *inter alia*, claimed that on 23.10.2014, the petitioners and their other co-accused have caused

injuries to complainant-Jasbir Singh son of Gulzar Singh and other injured PWs with their respective weapons. Petitioner No.1-Balkar Singh was stated to have caused a simple injury on the person of the complainant, whereas his son Anokh Singh, petitioner No.2, caused an injury with sickle(datar), which landed on his(complainant) right side of the leg. No other specific role or particular part is attributed to them in the FIR. Even, they did not repeat the injury. Moreover, during the course of preliminary hearing, interim bail was granted, to enable the petitioners to join the investigation, by means of order dated December 19, 2014 by this Court.

5. At this stage, on instructions from HC Sukhwinder Singh, learned State Counsel has acknowledged the factual matrix and submitted that the petitioners have already joined the investigation. They are no longer required for further interrogation. There is no history of their previous involvement in any other criminal case. Moreover, all the offences alleged against the accused are triable by the Court of Magistrate. Even, since the prosecution has not yet submitted the final police report(challan) against the accused, so, the conclusion of trial will naturally take a long time.

6. In the light of aforesaid reasons, taking into consideration the peculiar facts & the special circumstances, emanating from the record, as discussed here-in-above and without commenting further anything on merits, lest it may prejudice the case of either side during the course of trial of the main case, the instant petition for anticipatory bail is accepted. The interim bail already granted to the petitioners, by way of order dated

December 19, 2014 of this Court, is hereby made absolute, subject to the compliance of the conditions, as contemplated under Section 438(2) Cr.P.C.

Needless to mention that, nothing observed here-in-above, would reflect, on merits in the trial of the case, in any manner, as the same has been so recorded for a limited purpose of deciding the present petition for pre-arrest bail. At the same time, in case, the petitioners do not cooperate or join the investigation, the prosecution would be at liberty to move a petition for cancellation of their bail in this Court.

February 02, 2015  
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(MEHINDER SINGH SULLAR)  
JUDGE