

**203-a IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Criminal Misc. M- No. 37537 of 2016 (O&M)

Date of decision : April 24, 2017

Balwinder Singh alias BillaPetitioner

Versus

State of PunjabRespondent

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Veneet Sharma, Advocate
for the petitioner.

Mr. Deep Singh, AAG, Punjab.

Mr. Vivek Salathia, Advocate for the complainant.

LISA GILL, J.

Prayer in this petition is for grant of anticipatory bail to the petitioner in FIR No. 46 dated 28.02.2016 registered under Sections 323, 325, 354, 354B, 506, 148, 149 IPC at Police Station Sultanwind, Amritsar City, District Amritsar.

It is contended that the petitioner has been falsely implicated in the abovesaid FIR for the reason that the complainant's son was relieved of his services as a Pujari on 18.01.2016. The complainant's son was afforded one week to leave the premises of the temple alongwith his family including the complainant. The complainant's son refused to leave the temple premises. Complaint dated 19.02.2016 in this regard was filed before the Commissioner of Police, Amritsar by the petitioner being the President of the Sanatan Dharam Sabha, Shiv Mandir (Bagla Trust). Resolution dated 19.01.2016 was passed in a meeting of all the trustee members of the Sewa Dar Committee of the Sanatan Dharam Sabha, Shiv Mandir (Bagla Trust) headed by one Gopal Krishan Bagla (Chairman) and the present petitioner as President. Mr. Jai Kishore Shastri was unanimously appointed as Head

Pujari w.e.f. 19.01.2016. It is submitted that the petitioner has joined investigation pursuant to interim orders passed by this Court. Therefore, this petition be allowed.

Learned counsel for the complainant has opposed this application. It is, however, not denied that a civil suit has been preferred by the complainant's son in respect to the termination of his services as well as interference in the matters of the Trust by the petitioner. It is contended that the petitioner is involved in a number of other cases but it is not denied that the petitioner has been acquitted in all of them except one matter, which is still pending trial.

Learned counsel for the State, on instructions, from ASI Ashwani Kumar, verifies that the petitioner has indeed joined investigation. It is submitted that he has revealed the parentage and address of the co-accused in this case. His custodial interrogation, it is submitted, is not required.

There are no allegations on behalf of the State that the petitioner is likely to abscond or that he is likely to dissuade the witnesses from deposing true facts in the Court, if released on bail.

Keeping in view the facts and circumstances noted above but without expressing any opinion on the merits of case, it is considered just and expedient to allow this petition. Consequently, order dated 21.10.2016 is made absolute.

April 24, 2017
rts

(Lisa Gill)
Judge

Whether speaking/reasoned : Yes

Whether reportable : Yes/No