

CRM-M-17861-2020(O&M) 1

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-17861-2020(O&M)

Date of decision: 10.08.2020

Baldev Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Tarun Sharma, Advocate for the petitioner

Mr. V.G.Johar, Sr. DAG, Punjab

ANIL KSHETARPAL, J. (ORAL)

On 8.7.2020, the following order was passed by this Court:-

“The petitioner prays for grant of pre-arrest bail in a criminal case arising from FIR No.0083 dated 23.5.2020 registered under Section 307, 323, 324, 427, 506, 382, 148, 149 IPC at Police Station Sadar, Ferozepur, District Ferozepur.

In a nutshell, the case of the prosecution has been noticed by the learned Sessions Judge, Ferozepur in para 2, which is extracted as under:-

“2. The present case has been registered on the basis of the statement of Bahal Singh complainant, wherein it is alleged that on 23.05.2020 at about 10.00 a.m, he along with

his wife Sumitra Bai was going on his motor cycle no.PB-05R-6835 and when they reached near the passage leading to his field, Darshan Singh forcibly ploughed the said passage and when they enquired about it, Darshan Singh started abusing them. Meantime, Baldev Singh armed with 'kapa' Chhinder Singh armed with 'baseball', Baiyan Bai armed with 'sota', Neelam armed with baseball and 5/6 unknown persons reached there. Darshan Singh took 'kapa' from his motor and gave its blow which hit in the head of Sumitra Bai, as a result of which she fell down. When he tried to save her, Baldev Singh dealt 'kapa' blow which hit on his right bicep. Then Neelam gave baseball blow which hit on the right ankle of his wife. Then Baiyan Bai gave 'sota' blow which hit in the back of his wife. Chhinder Singh gave baseball blow which hit on his left ankle. Chhinder Singh again gave blow with baseball which hit on his right wrist. Meanwhile, people attracted to the spot and all the assailants fled from the spot along with their weapons."

Learned counsel for the petitioner contends that the petitioner is alleged to have caused

injury on right arm bicep of the first informant which is simple in nature. He further submits that the present case is a counter blast as Smt. Baiyan Bai wife of Darshan Singh had lodged FIR against the family members of the first informant on 8.12.2018.

Notice of motion.

On the request of the Court, Mr. Amit Mehta, Sr. DAG, Punjab accepts notice on behalf of the State of Punjab and prays for time to seek instructions.

Adjourned to 10.8.2020.

Keeping in view the facts of the case, this Court is of the considered view that let the petitioner joins investigation.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.”

Learned State counsel on instructions from ASI Joginder Singh has submitted that the petitioner has joined the investigation, cooperated and is not required for further custodial interrogation.

In view of the above, the order dated 8.7.2020 is hereby

made absolute.

Petition stands allowed.

10.08.2020	(ANIL KSHETARPAL)
rekha	JUDGE
Whether speaking/reasoned	Yes / No
Whether Reportable	Yes / No