

S.No.201

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

CRM-M-7956 of 2020

Date of Decision:26.10.2021

Baldev Singh

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present:- Mr. Navjit Singh, Advocate and Mr. Krishan Khaira,
Advocates for Mr. Narinder S. Lucky, Advocate
for the petitioner.

Mr. Sandeep Singh Deol, DAG, Punjab.

SURESHWAR THAKUR, J.

This Court on 05.03.2020 had granted interim bail to the bail applicant.

An FIR No.063, dated 18.02.2017 carrying therein offences constituted under Sections 148, 323 and 324 read with Section 149 IPC, was registered at Police Station Mehal Kalan, District Barnala. Moreover, in the FIR (supra) offences constituted under Sections 325 and 326 IPC were also added.

Though the bail applicant one Baldev Singh is alleged to be armed with a kirpan. However, Mr. Sandeep Singh Deol, learned Deputy Advocate General, Punjab submits that the Investigating Officer concerned has not been able to recover the alleged kirpan. Nonetheless, Mr. Deol submits, that the Investigating Officer concerned has given a valid explanation for non recovery thereof, inasmuch as the accused bail-applicant ensuring its disappearance through his throwing it into a fast moving water body. He also submits that vis-a-vis afore incriminatory act, a

charge under Section 201 IPC has been framed against the accused concerned, by the learned trial Judge concerned.

In view of the above, this Court does not deem it appropriate to order for the custodial interrogation of the accused.

In view of the above, this Court deems it to make absolute the order made by this Court on 05.03.2020. Therefore, the order dated 05.03.2020 is made absolute. However, the bail applicant is directed to forthwith, within one weeks from today, furnish to the satisfaction of the Investigating Officer, personal and surety bonds in the sum of Rs.1 lakh each. Moreover, the bail applicant shall also furnish an undertaking before the Investigating Officer, that as and when his personal appearance is required before the learned trial Court, he shall ensure his presence before the Court concerned. Besides an undertaking be also filed by him, before the Investigating Officer, with recitals therein that he shall also appear before the learned trial Magistrate for receiving sentence, if deemed fit, to be imposed upon him, upon his conviction, if any as made by the trial Magistrate concerned vis-a-vis the framed charges and, that he shall abide by the conditions as provided under Section 438(2) Cr.P.C.

The present petition is disposed of.

October 26, 2021

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(SURESHWAR THAKUR)

JUDGE

Whether Speaking/reasoned

Yes/No

Whether Reportable

Yes/No