

In virtual Court

CRM-M-20310-2021

-1-

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-20310-2021 (O&M)
Date of decision: 21.05.2021

Balwinder Singh and another

... Petitioners

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. G.S. Saini, Advocate
for the petitioners.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of anticipatory bail in FIR No.114 dated 12.10.2018 under Sections 324, 34 IPC and Section 307 IPC (added later on), registered at Police Station Kulgari, District Ferozepur.

Learned counsel for the petitioners submits that the FIR was registered at the instance of one Binder Singh, with the allegations that three persons namely Balwinder Singh, Gurcharan Singh and Bhajan Singh came armed with their respective weapons. Bhajan Singh was carrying an axe, Balwinder Singh (petitioner No.1) raised lalkara to teach a lesson and thereafter, Bhajan Singh gave an axe blow, which hit on the left side of his head above the ear. When he raised the voice, the accused persons ran away.

Learned counsel for the petitioners further submits that during the

In virtual Court

CRM-M-20310-2021

-2-

investigation, both the petitioners were found innocent and they were kept in column No.2. It is further submitted that now after recording examination-in-chief of the victim, who appeared as PW1, prosecution moved an application under Section 319 Cr.P.C., which has been allowed by the trial Court vide order dated 17.02.2021 and the petitioners are apprehending their arrest, if they put in appearance. Learned counsel submits that he has instructions to say that both the petitioners will not challenge the summoning order passed under Section 319 Cr.P.C. and will face the trial.

Notice of motion.

On asking of the Court, Mr. Joginder Pal Ratra, DAG, Punjab accepts notice on behalf of the respondent-State and submits that both the petitioners were named in the FIR, however, later on, they were found innocent.

After hearing learned counsel for the parties and considering the fact that the petitioners have volunteered not to challenge the order summoning them as additional accused under Section 319 Cr.P.C. and have given undertaking to face the trial, this petition is allowed and the petitioners are directed to surrender before the trial Court within a period of 15 days from today and the trial Court will release them on bail subject to their furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate, concerned.

[ARVIND SINGH SANGWAN]
JUDGE

21.05.2021
vishnu

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No