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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.38277 of 2020(O&M)

Date of Decision:07.09.2021

Baldeep Singh

.....Petitioner

Vs

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present:Mr. K.L. Saini, Advocate
for the petitioner.

Mr. Bhupender Beniwal, AAG, Punjab.

RAJ MOHAN SINGH, J. (Oral)

The case has been taken up for hearing through video conferencing.

Petitioner seeks grant of anticipatory bail under Section 438 Cr.P.C in case bearing FIR No.89 dated 11.05.2020 registered under Sections 341, 324, 323, 34 IPC (Section 326 IPC added later on) at Police Station Amargarh, District Sangrur.

On 08.02.2021, following order was passed:-

"The case has been taken up for hearing through video-conferencing.

Learned counsel for the petitioner contends that during police investigation, police has recorded that Baljinder Singh-complainant stated in his FIR that

uncle Jagmail Singh hit his back with a stick. The complainant has not given clear statement about his injuries and did not mention any injuries on his legs and abdomen. In MLR, the doctor has confirmed 2cm x 0.5 cm, 3 cm x 0.5 cm and 7 cm x 2 cm injuries on his person, whereas the complainant confirmed only one injury with sharp edged weapon. Initially, FIR was registered for the offences under Sections 341, 324, 323, 34 IPC. Offence under Section 326 IPC was added after two months of the occurrence. Learned counsel further submits that parents of the petitioner have been enlarged on anticipatory bail vide order dated 03.12.2020 passed in CRM-M No.34081 of 2020. The author of injury No.3 would remain debatable. Injuries No.1, 2, 4 to 11 have been declared simple injuries and no bony injury was found. Notice of motion was issued on 19.11.2020.

Adjourned to 03.05.2021.

In the meanwhile, petitioner is directed to appear before the SHO/Investigating Officer to join investigation on 14.02.2021 at 11.00 a.m. and in the event of his arrest, he shall be enlarged on ad interim bail, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of Arresting Officer. However, petitioner shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

It is made clear that grant of interim anticipatory bail alone would not give any equitable consideration for its confirmation. Interim protection shall be vacated in case the petitioner does not co-operate with the Investigating Officer.”

Learned counsel for the petitioner submits that in compliance of the order dated 08.02.2021, petitioner has joined the investigation to the entire satisfaction of the Investigating Officer.

Learned State counsel on instructions from ASI Amrik Singh admits the aforesaid fact and submits that the petitioner is no more required for further investigation in the case.

In view of aforesaid factual position, the interim order dated 08.02.2021 is made absolute. Petitioner shall keep on joining the investigation as and when required to do so and he shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

Petition stands disposed of.

07.09.2021

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(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No