

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(227-1)

CRM-M-40913-2022

Date of decision: - 29.09.2022

Balwinder Singh

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Kamal Narula, Advocate,
for the petitioner.

Mr. Ramdeep Partap Singh, Sr. DAG, Punjab.

VIKAS BAHL, J. (ORAL)

This is the first petition under Section 438 of Cr.P.C. for grant of anticipatory bail to the petitioner in case Rapat No.40 dated 14.07.2022, registered under Sections 336, 323, 148 and 149 IPC and Sections 25/27/54/59 of the Arms Act, at Police Station Arniwala, District Fazilka in case FIR No.76 dated 14.07.2022, registered under Section 336, 342, 323, 148 and 149 IPC and Sections 25/27 of the Arms Act, 1959, registered at Police Station Arniwala, District Fazilka.

On 08.09.2022, this Court was pleased to pass the following order:-

“Inter alia contends that the present case is a version and cross-version and as far as petitioner Balwinder Singh is concerned, he has not been attributed any injury and it has been stated that he has fired in the air to cause panic. It is further submitted that although

petitioner Hari Singh @ Haria is stated to be armed with stick but no specific injury has been attributed to him.

Notice of motion for 20.09.2022.

In the meantime, in the event of arrest, the petitioners are ordered to be released on interim bail subject to their furnishing personal bonds and surety to the satisfaction of Arresting / Investigating Officer. However, the petitioners 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.

To be heard along with CRM-M-39717-2022.

A photocopy of this order be placed on the file of other connected case.

(VIKAS BAHL)
JUDGE

September 08, 2022"

Thereafter, on 20.09.2022, this Court was pleased to pass the following order: -

"Learned State Counsel, on instructions from ASI Rajwinder Singh, has pointed out that although the petitioner-Balwinder Singh has joined the investigation but is not fully cooperating.

The petitioner-Balwinder Singh is again directed to join the concerned Investigating Officer on 26.09.2022 at 11:00 AM.

Adjourned to 29.09.2022.

Interim order to continue.

To be heard alongwith CRM-M-39717-2022.

(VIKAS BAHL)
JUDGE

20.09.2022"

Learned counsel for the petitioner has submitted that in pursuance of the above-said order, the petitioner has joined the investigation.

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

Keeping in view the abovesaid facts and circumstances more so, the facts which have been noticed in abovesaid order dated 08.09.2022 and also the fact that the petitioner has joined the investigation and is not required for further custodial interrogation, the present petition is allowed and the interim order dated 08.09.2022 is ordered to be made absolute.

However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

September 29, 2022
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No