

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(201)

CRM-M-45962-2021

Date of decision: - 10.02.2022

Baljinder Singh and others

....Petitioners

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Rajiv Kumar Trikha, Advocate,
for the petitioners.

Mr. Sarabjit Singh Cheema, AAG, Punjab.

(Through Video Conferencing)

VIKAS BAHL, J. (ORAL)

This is the first petition under Section 438 of Cr.P.C. for grant of anticipatory bail to the petitioners in case FIR No.130 dated 11.06.2021, under Sections 452, 323, 427, 506, 148 and 149 IPC, registered at Police Station Tanda, District Hoshiarpur.

On 02.11.2021, this Court was pleased to pass the following order:-

“Learned counsel for the petitioners inter alia contends that in the present case, there is an unexplained delay of 5 days in registration of the FIR inasmuch the incident is of 06.06.2021 whereas, the FIR has been registered on 11.06.2021. It is further submitted that none of the injuries are either grievous in nature or

have been declared dangerous to life and in fact, all the injuries are simple in nature and there is no fracture. It is further contended that neither petitioner No.3 is stated to be having any weapon nor there is any specific injury attributed to him. With respect to petitioner Nos.1 and 2, it has been argued that in fact, as per the FIR, they were stated to be armed with daatar (sharp edged weapon), however, as per the MLR, under the column "kind of weapon used", it has been observed that the same cannot be ascertained. It is also submitted that in fact, on 06.06.2021, there was Bhog ceremony of sister of petitioner Nos.1 and 2 who had died on 28.05.2021 and the said fact is apparent from the communication in the news item (Annexure P-2) and the said Bhog ceremony took place in the morning time and petitioner Nos.1 and 2 were busy in the same and thus, it is debatable as to whether petitioner Nos.1 and 2 would have been involved in the occurrence or not which had taken place at 11:40 AM and has stated to have taken place in the house of sister-in-law of the complainant.

Notice of motion.

On asking of the Court, Mr. N.K. Banka, DAG, Punjab, appears and accepts notice on behalf of State of Punjab and Mr. Sandeep Kumar, Advocate appears on behalf of the complainant and seek time to get instructions.

Adjourned to 12.01.2022.

In the meantime, in the event of arrest, the petitioners shall be released on interim bail subject to 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.

Learned counsel for the State and complainant would be at liberty to raise all the arguments on the next date of hearing."

Thereafter, on 13.01.2022, the following order was passed by this Court: -

"Learned State Counsel has submitted that although the petitioners have joined the investigation in pursuance of the order dated 02.11.2021 but the weapons have not yet been recovered from

the petitioners.

The petitioners are accordingly directed to join the investigation again on 21.01.2022 at 11:00 A.M.

Adjourned to 10.02.2022.

Interim order to continue.”

Learned counsel for the petitioners has submitted that in pursuance of the above-said orders, the petitioners have joined the investigation and have been fully cooperating with the investigation.

Learned State counsel, on instructions from ASI Jasbir Singh, has submitted that the weapons have been recovered from the petitioners and they are not required further with the investigation.

Keeping in view the fact that the petitioners have joined the investigation and are not required for further investigation, the present petition for grant of anticipatory bail to the petitioners is allowed and the interim order dated 02.11.2021 is 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.

February 10, 2022
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes
No