

206 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-54167-2021

Date of Decision: 14.02.2022

Balraj Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: None for the petitioner.

Mr. Sandeep Singh Deol, DAG, Punjab.

HARSIMRAN SINGH SETHI J. (ORAL)

The petitioner is seeking anticipatory bail in FIR No.80, dated 17.11.2021, under Sections 323, 325, 341, 379-B, 511, 148 and 149 of the IPC, registered at Police Station Lakhewali, District Sri Muktsar Sahib.

Though today no one has appeared on behalf of the petitioner, but learned State counsel, on instructions from ASI Harnek Singh, states that in terms of the order dated 23.12.2021, passed by this Court, which is reproduced under, the petitioner has joined the investigation and no further interrogation is required at this stage.

“The present petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail to the petitioner in respect of FIR No.80 dated 17.11.2021 registered under Sections 323, 325, 341, 379-B, 511, 148 & 149 of the IPC at Police Station Lakhewali, District Sri Muktsar Sahib.

Learned counsel for the petitioner argues

that though, the petitioner has been named in the present FIR but, injury attributed to him is simple in nature and as a similarly situated co-accused namely, Kulwant Singh has already been extended the benefit of anticipatory bail by this Court while passing order in CRM-M-51479-2021 on 10.12.2021, the petitioner may kindly be extended the benefit of anticipatory bail on the ground of parity.

Notice of motion for 09.02.2022.

Mr. Sandeep Singh Deol, DAG, Punjab, who is present in the Court accepts notice on behalf of respondent-State.

Learned State counsel though, concedes the fact that the injury attributed to the petitioner is simple in nature but, submits that iron rod attributed to the petitioner is yet to be recovered, for which, custodial interrogation of the petitioner is necessary. Learned State counsel further concedes that a similarly situated co-accused namely, Kulwant Singh has already been extended the benefit of anticipatory bail by this Court while passing order in CRM-M-51479-2021 on 10.12.2021.

Learned counsel for the petitioner submits that the petitioner is ready to cooperate with regard to the recovery of said iron rod, if the same is found in the possession of the petitioner.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Keeping in view the facts and circumstances of the present case, especially, that a similarly situated co-accused namely, Kulwant Singh has already been extended the benefit of anticipatory bail by this Court while passing order in CRM-M-51479-2021 on 10.12.2021, the petitioner has made out

a case for the grant of anticipatory bail on the ground of parity.

The petitioner is directed to join the investigation forthwith. In the event of his arrest, he shall be released on interim bail to the satisfaction of the Arresting Officer/Investigating Officer on his furnishing bail bonds/surety bonds to the satisfaction of the Arresting Officer/Investigating Officer subject to the following conditions:-

(i) That he shall make himself available for interrogation by the police officer as and when required.

(ii) That he shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the said facts to the Court or to any police officer.

(iii) That he shall not leave India without prior permission of the Court.

(iv) That he shall abide by all the conditions as enshrined under Section 438(2) Cr.P.C.”

In view of the above, the order dated 23.12.2021 granting interim bail to the petitioner is made absolute.

However, the petitioner shall abide by the conditions stipulated under Section 438(2) Cr.P.C. He shall also join investigation and cooperate with the same as and when called upon to do so.

In case at any given point of time hereinafter, it is felt by the investigating agency that petitioner is required for the investigation but is

appropriate orders.

The petition stands disposed of.

14.02.2022
Apurva

(HARSIMRAN SINGH SETHI)
JUDGE

- 1. Whether speaking/reasoned : Yes
- 2. Whether reportable : No