

(205)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-1767-2023 (O & M)
Date of Decision: 24.11.2023

Balwinder Singh Sidhu @ Ballu

. . . Petitioner

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Kapil Bansal, Advocate,
for Mr. P.K.S. Phoolka, Advocate,
for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 438 Cr.P.C. is for the grant of anticipatory bail to the petitioner in case FIR No.173 dated 02.11.2022 under Sections 452, 379B, 323, 355, 506, 148 and 149 IPC registered at Police Station Nathana (Bathinda), District Bathinda.

2. On 13.01.2023, the following order was passed:-

“Present petition is under Section 438 Cr.P.C. for seeking anticipatory bail to the petitioner in case FIR No.173 dated 02.11.2022 registered under Sections 452/379-B/323/355/506/148/149 IPC at Police Station Nathana (Bathinda), District Bathinda.

Learned counsel for the petitioner contends that the injury attributed to the petitioner is from the reverse side of kirpan on the temple of the complainant and the same is simple in nature. The snatching of mobile phone has not been attributed to the petitioner.

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Notice of motion.

Ms. Ruchika Sabherwal, DAG, Punjab accepts notice on behalf of the respondent-State and submits that the petitioner is involved in two other cases. She seeks time to get detailed instructions and submit reply in the matter.

On her request, adjourned to 23.01.2023”.

Thereafter, on 23.01.2023, the following order was passed:-

“Reply by way of affidavit of Rashpal Singh, PPS, Deputy Superintendent of Police, Sub-Division Bhucho, District Bathinda on behalf of the respondent-State has been filed and the same is taken on record. As per the reply, the petitioner is involved in two other cases.

Learned counsel for the petitioner contends that the petitioner has been acquitted in one of the cases and he seeks time to place on record the copy of the judgment and the report of MLR pertaining to the injured in the instant case.

On his request, adjourned to 21.03.2023”.

3. Thereafter, the matter was adjourned to 18.04.2023.
4. On 12.07.2023 and 26.09.2023, none had appeared on behalf of the petitioner.

On 29.09.2023, the following order was passed:-

“On 13.01.2023, following order was passed:-

“Present petition is under Section 438 Cr.P.C. for seeking anticipatory bail to the petitioner in case FIR No.173 dated 02.11.2022 registered under Sections 452/379-B/323/355/506/148/149 IPC at Police Station Nathana (Bathinda), District Bathinda.

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Notice of motion.

Ms. Ruchika Sabherwal, DAG, Punjab accepts notice on behalf of the respondent-State and submits that the petitioner is involved in two other cases. She seeks time to get detailed instructions and submit reply in the matter.

On her request, adjourned to 23.01.2023.”

Counsel for the petitioner submits that in one of the cases referred to as case bearing FIR No. 61 dated 30.04.2022 registered at police station Nathana, District Bathinda, the petitioner stands acquitted, whereas in another case bearing FIR No. 118 dated 22.06.2019 registered at Police Station Nathana, District Bathinda, he is on bail.

Adjourned to 08.11.2023.

In the meantime, the petitioner is directed to appear before the SHO/Investigating Officer to join investigation and in the event of his arrest, he shall be released on bail on his furnishing bail bonds to the satisfaction of SHO/Investigating Agency, subject to the following conditions as envisaged under Section 438(2) Cr.P.C.:-

(i) that the petitioner shall make himself available for interrogation before the investigating officer as and when required;

(ii) that the petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case as to dissuade

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him/her from disclosing such facts to the Court or to any police officer;

(iii) that the petitioner shall not leave the country without prior permission of the Court and shall surrender his passport, if any”.

5. As the petitioner had not joined investigation, on 08.11.2023, he was directed to join the investigation once again.

6. Today, the learned counsel for the petitioner contends that the petitioner is unwell.

7. The learned counsel for the State, on the other hand, contends that despite interim orders of this Court, the petitioner has deliberately chosen not to join investigation.

8. In view of the above, the present petition stands dismissed.

The earlier interim orders also stand vacated.

(JASJIT SINGH BEDI)
JUDGE

November 24, 2023
sukhpreet

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No