

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

212/2

**CRM-M-4490-2023 (O&M)
Date of decision: 15.03.2023**

BALWINDER RAM

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Satnam Singh Gill, Advocate for the petitioner.

Mr. Manipal Singh Atwal, DAG Punjab.

AMAN CHAUDHARY. J.

Present petition has been filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail in FIR No.234 dated 21.12.2022, under Sections 452, 323, 506, 427, 148, 149 of the Indian Penal Code, 1860 (Section 325 IPC added later on) registered at Police Station Amargarh District Malerkotla.

On 01.02.2023, this Court had passed the following order:-

“The present petition has been filed under Section 438 Cr. P.C. for grant of pre-arrest bail to the petitioner in case FIR No. 234 dated 21.12.2022, registered under Sections 452, 323, 506, 427, 148 and 149 of the Indian Penal Code, 1860 at Police Station Amargarh, District Malerkotla.

Learned counsel for the petitioner submits that the present case is a case of version and cross version of which DDR has been recorded at the hands of the co-accused Bachan Ram who is his real brother. The allegations against the petitioner are of having caused simple injury on the left shoulder of the injured complainant. Co-accused Joginder Ram having been attributed a similar injury though on the right shoulder of the injured-complainant, has been granted interim bail by this Court vide order dated 08.01.2023 in CRM-M-2583-2023 (Annexure P-2). The petitioner is not involved in any other case. He further submits that the petitioner is ready and willing to join the investigation as and when required by the investigating agency.

Notice of motion for 15.03.2023.

At the asking of the Court, Mr. Manipal Singh Atwal, DAG, Punjab accepts notice on behalf of respondent-State.

Meanwhile, the petitioner is directed to join the investigation on or before 08.02.2023. In the event of arrest of the petitioner, he shall be released on interim bail to the satisfaction of the Arresting Officer, subject to compliance enshrined under Section 438(2) Cr.P.C.

However, it is clarified that if the petitioner does not join and cooperate with the Investigating Agency as required by the Arresting/Investigating Officer, this interim order shall be deemed to have been vacated. .”

Learned counsel for the petitioner submits that in pursuance of order dated 01.02.2023, of this Court, the petitioner has not only joined investigation but has also fully cooperated with the investigating agency. He further submits that in case the investigating agency requires the petitioner to appear, he shall make himself available without demur.

Learned State counsel on instructions from ASI Jaspal Singh affirms the factum of joining the investigation by the petitioner and cooperating with the investigation agency. He also submits that at this stage, the petitioner is not required for further custodial interrogation.

In view of the above and without expressing any opinion on the merits of the case, anticipatory bail petition filed by the petitioner is allowed and the order dated 01.02.2023 granting interim bail to him, is hereby made absolute, subject to compliance of conditions as specified under Section 438(2) Cr. P.C

However, it is made clear that if the petitioner fails to join and cooperate with the investigation agency as and when required, the State would be at liberty to move an application for cancellation of the present anticipatory bail granted to him.

(AMAN CHAUDHARY)
JUDGE

March 15, 2023

S.Sharma(syr)

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No