

214 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Neutral Citation No. 2023:PHHC:143404
CRM-M-6913-2023
Date of Decision: November 09, 2023

Baljit Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Nirmaljeet Singh Sidhu, Advocate for the petitioner.

Mr. M.S. Nagra, AAG, Punjab.

DEEPAK GUPTA, J.(Oral)

On 16.03.2023, following order was passed:-

"CRM-11866-2023

Prayer in this application is for placing on record the Medical Opinion given by the Doctor regarding the injuries suffered by complainant Gurpreet Singh and his accomplice Baljinder Singh dated 03.12.2022 (Annexures P-7 & P-8).

For the reasons mentioned in the application, the same is allowed subject to all just exceptions. Annexures P-7 & P-8 are taken on record.

CRM-M-6913-2023

This is a petition under Section 438 Cr.P.C., for grant of anticipatory bail to the petitioner in FIR No.209, dated 04.12.2022, under Sections 307, 34 of the IPC, 1860 and Section 25 of Arms Act, 1959, registered at Police Station Talwandi Sabo, District Bathinda.

Learned counsel for the petitioner contends that it is a case of version and cross-version. He further contends that the dispute between the parties is with regard to water course and a cross-case has been registered against the complainant party vide G.D. No.22, dated 07.01.2023. He has further asserted that the coaccused namely Kulwinder Singh has already been granted the concession of anticipatory bail by the Court of Additional Sessions Judge, Bathinda vide order dated 22.12.2022. He further asserts that no offence under Section 307 IPC has been made out,

as the injuries were found to be simple in nature, as per the medical opinion obtained from the Doctor, which is attached as Annexures P-7 and P-8.

Notice of motion.

On the asking of the Court, Mr. Rajiv Verma, DAG, Punjab accepts notice on behalf of the respondent-State, who on instructions from ASI Gurmail Singh, could not controvert the fact that the injuries were found to be simple in nature, as per medical opinion obtained from the Doctor.

Looking into the totality of facts and circumstances and also the fact that the injuries were found to be simple in nature and the co-accused has been granted the concession of anticipatory bail by the Court of Additional Sessions Judge, Bathinda vide order dated 22.12.2022 added with the fact that Section 307 IPC has not been made out, as per medical opinion of the Doctor, the petitioner is directed to be released on interim bail subject to the satisfaction of Arresting Officer/Investigating Officer, on his joining investigation as and when called for and cooperate in investigation and also shall abide by the conditions as envisaged under Section 438 (2) Cr.P.C.

Adjourned to 11.07.2023.”

It was informed on 19.07.2023 by learned State counsel that though, the petitioner had joined the investigation, but after commission of the crime, he had intentionally deposited the weapon with the gun house, though it was required to be examined by the Forensic Agency.

Learned counsel for the petitioner had given an undertaking on 11.09.2023 that the petitioner shall take back the weapon allegedly used in the crime from the gun house and will hand over the same to police for the purpose of investigation. The interim protection granted to the petitioner was extended to 31.10.2023, then to 09.11.2023 because even on 31.10.2023, petitioner did not make compliance of the previous order.

Today again, it is informed by learned counsel of the petitioner that petitioner has not complied with the undertaking as given by him.

In the aforesaid circumstances, the interim protection as granted to the petitioner vide order dated 16.03.2023, is hereby revoked. As such, the present petition is dismissed.

November 09, 2023
sarita

(DEEPAK GUPTA)
JUDGE

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