

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

CRM-M No.7740 of 2023
Date of decision: 3rd May, 2023

Balwant Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: None for the petitioner.

Mr. Ramdeep Pratap Singh, Sr. DAG, Punjab
for the respondent/State.

Ms. Nikita, Advocate for
Mr. Amardeep Singh, Advocate for the complainant.

MANJARI NEHRU KAUL, J. (ORAL)

The instant petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case bearing FIR No.05 dated 11.01.2023 under Sections 326 (added later on), 323, 324, 506, 148, 149 and 452 IPC, registered at Police Station Sadar Tarn Taran, Tehsil and District Tarn Taran, Punjab.

Vide order dated 14.02.2023, the petitioner had been granted concession of interim bail in the following terms:-

“Learned counsel submits while drawing the attention of this Court to the allegations levelled in FIR in question, which has been annexed as Annexure P-2 that the petitioner was alleged to be armed with a baseball bat with which he inflicted injury on the left eye of the complainant. He submits that the injury attracting the mischief of Section 326 IPC is not attributed to the petitioner.”

Learned State counsel, on instructions, submits that in compliance of the order dated 14.02.2023, the petitioner has joined investigation and cooperated with the investigating agency. He, on further instructions submits that the petitioner is not required for further investigation much less for his custodial interrogation.

Learned counsel appearing on behalf of the complainant has opposed the prayer made by the counsel opposite in view of the fact that the petitioner was also an active participant in the crime in question. However, on a pointed query put to her, learned counsel was not able to dispute that the petitioner had not been attributed any injury inviting the mischief under Section 326 IPC.

In the circumstances, the petition is allowed and the interim order dated 14.02.2023 is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C. Needless to say, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the bail granted to him.

(MANJARI NEHRU KAUL)
JUDGE

May 3, 2023
rps

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