

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-14006-2023 (O&M)
Date of decision : 25.07.2023

Balwinder Singh ... Petitioner(s)

Versus

State of Punjab ... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Kamal Narula, Advocate for the petitioner.

Mr. Adhiraj Singh Thind, AAG Punjab.

ALKA SARIN, J. (ORAL)

CRM-22146-2023

This is an application for amendment of head note and prayer clause of the petition to the extent of addition of offence under Section 34 IPC and deletion of Sections 148 and 149 IPC.

For the reasons stated in the application, the same is allowed subject to all just exceptions.

CRM-M-14006-2023

1. This is a petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioner in FIR No.140 dated 07.12.2022 under Sections 452, 354, 341, 323, 148, 149 of the Indian Penal Code, 1860 (Sections 148 & 149 deleted and Section 34 IPC added later on), registered at Police Station Khuian Sarwar, District Fazilka.

2. On 08.05.2023 the following order was passed :

“Learned State counsel has pointed out that the offence under Section 148, 149 of IPC were deleted and offence under Section 34 of IPC has been added.

Learned counsel for the petitioner is directed to file appropriate application for changing the offence in the present petition on or before the next date of hearing.

Learned counsel for the petitioner argued that he is ready to join the investigation and is also ready to cooperate with the investigating agency.

Considering the aforesaid facts, the arrest of the petitioner is stayed till next date, subject to the joining of investigation.

Adjourned to 25.05.2023.”

3. Learned counsel for the petitioner would contend that pursuant to the said order, the petitioner has joined investigation and has fully cooperated.

4. Learned counsel for the State, on instructions from ASI Resham Singh, has stated that the petitioner has since joined investigation and has fully cooperated and that he is no longer required for further custodial interrogation as of now.

5. In view of the above, the order dated 08.05.2023 is made absolute. The petitioner shall, however, join investigation as and when

called. The petitioner shall also abide by all the terms and conditions as specified under Section 438(2) of the Code of Criminal Procedure, 1973.

6. Disposed off accordingly. Pending applications, if any, also stand disposed off.

25.07.2023
Yogesh Sharma

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO