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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-24908-2023 (O&M)
Date of Decision: 29.08.2023

BALJEET SINGH @ JEETA

.. Petitioner

Vs.

STATE OF PUNJAB

..Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Rakesh Kumar, Advocate for
Mr. G.N. Malik, Advocate for the petitioner.

Mr. Joginder Pal Ratra, Sr. DAG, Punjab.

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MAHABIR SINGH SINDHU, J.

1. Present petition under Section 438 of the Code of Criminal Procedure has been filed for grant of pre-arrest bail to the petitioner in FIR No.26, dated 08.04.2023, under Sections 307, 323, 506, 34, 120-B of the Indian Penal Code, 1860, registered at Police Station City Raikot, District Ludhiana (Rural).
2. Above FIR was registered on the basis of statement made by complainant Baljinder Singh @ Bitta with the allegations that petitioner along with his co-accused caused grievous injuries and a cross-case has also been registered by the petitioner against the complainant.
3. The Co-ordinate Bench, vide order dated 16.05.2023 granted interim bail to petitioner and the same reads as under:-

“Instant petition has been filed under Section 438 Cr.P.C. praying for grant of anticipatory bail to the petitioner in case FIR No.26, dated 08.04.2023, under Sections 307, 323, 506, 34, 120-B IPC, registered at Police Station City Raikot, District Ludhiana.

It has been contended by counsel for the petitioner that present case is of version and cross-version. He submits that dispute between the parties is on account of the tender which was given in favour of the petitioner side, namely, Amandeep Singh Grewal. He submits that on account of the same, the complainant side nurtured a grudge and thus opened an attack on the petitioner side. He submits that at the behest of petitioner, cross case vide GD No.19, dated 09.04.2023 has already been registered in which there are four accused. He submits that it was complainant's side, which was aggressor. He submits that both the sides have suffered injuries in the occurrence and hence this is a matter of trial as to which party was ultimately aggressor. It is further submitted that Section 307 IPC has been added only in order to make the offence non-bailable. It is further submitted that in view of the aforementioned facts, no case for custodial interrogation is made out, however, petitioner is ready to join the investigation and abide by all the terms and conditions of the anticipatory bail if this Court considers his request for granting the same.

Issue notice of motion.

On asking of the Court, Mr.Sandeep Kumar, DAG, Punjab, who is present in Court, accepts notice on behalf of the respondent-State.

Adjourned to 29.08.2023.

In the meanwhile, in the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting Officer/Investigating Officer. The petitioner shall join investigation before the Investigating Agency/Officer. He shall abide by the following conditions as envisaged under Section 438(2) Cr.P.C.:-

“(i) That the petitioner shall make himself available for interrogation by a police officer as and when required to do so;

(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 so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) That the petitioner shall not leave India without prior permission of the Court.”

State is directed to file status report on or before the next date of hearing.”

4. Learned Counsel submits that in pursuance of the aforesaid order, petitioner has already joined the investigation and his custodial interrogation is not required.

5. Learned State Counsel, on instructions from ASI Ravinder Kumar submits that petitioner has joined investigation and as on today, his custodial interrogation is not required.
6. In view of above, interim order dated 16.05.2023 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.
7. It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.
8. The above observations may not be construed as an expression of opinion on merits of the case; rather confined only to decide the present bail matter.
9. Disposed off accordingly.

29.08.2023
Jasmine Kaur

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No