

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

212/3

2023:PHHC:107040

CRM-M-27605-2023

Date of decision: August 18th, 2023

Balwinder Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Gobind Singh Randhawa, Advocate
for the petitioner.

Mr. Subhash Godara, Additional Advocate General,
Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

Prayer in this petition is for grant of anticipatory bail to the petitioner in case FIR No.022 dated 02.03.2020 under Sections 302, 324, 323, 148 and 149 of the IPC registered at Police Station Ajnala, District Amritsar.

Vide order dated 31.05.2023, the petitioner had been directed to appear and surrender before the trial Court and was directed to be admitted on interim regular bail on his furnishing bail bonds to the satisfaction of the trial Court. The relevant part of the said order reads as under:-

“Learned counsel for the petitioners while drawing the attention of this Court to the allegations levelled in the FIR in question, submits that while getting the FIR in question registered, false allegations had been levelled against the petitioners. He contends that the petitioners were found innocent during investigation and thus were placed in column

No.2. They were, however, subsequently summoned under Section 319 of the Cr.P.C. to face trial as additional accused, therefore, there is a genuine apprehension on their part that they could be arrested and sent to custody when they appear on 05.06.2023 before the Trial Court. Learned counsel has also submitted that in the above facts and circumstances, custodial interrogation of the petitioners would not be required as it would not serve any useful purpose.”

Learned counsel for the petitioner submits that in compliance of order dated 31.05.2023, the petitioner had appeared before the trial Court and furnished bail bonds. In support, he has placed on record copy of order dated 06.05.2023 passed by Additional Sessions Judge, Amritsar.

Learned State counsel, on instructions, does not dispute the factum of the petitioner having appeared before the trial Court.

In view of the above, the petition is allowed and interim order dated 31.05.2023 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.

August 18th, 2023
Puneet

(MANJARI NEHRU KAUL)
JUDGE

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