

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

213-A

CRM-M-35328-2023 (O&M)

Date of Decision : 21.11.2023

Balkaran Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Gurkirpal Singh Sandhu, Advocate for the petitioner.

Mr. M.S. Tiwana, AAG Punjab.

Ms. Rajwinder Kaur Sandhu, Advocate for the complainant.

ALKA SARIN, J. (ORAL)

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.0306 dated 29.12.2022 under Section 376 of the Indian Penal Code, 1860 and Sections 384, 120-B IPC (added later on vide DDR No.21 dated 21.04.2023) registered at Police Station City Sri Muktsar Sahib, District Sri Muktsar Sahib.

2. On 24.07.2023 the following order was passed :

“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.0306 dated 29.12.2022 under Section 376 of the Indian Penal Code, 1860 (IPC) and Sections 384, 120-B IPC (added later on vide DDR

No.21 dated 21.04.2023) registered at Police Station City Sri Muktsar Sahib, District Sri Muktsar Sahib.

Learned counsel for the petitioner would contend that the case of petitioner is at par with the co-accused, who has since been granted anticipatory bail in CRM-M-33892-2023. The learned counsel would further contend that the petitioner was initially granted the interim protection and that he had also joined investigation and fully co-operated. However, vide order dated 07.07.2023 the interim protection was vacated and the application for anticipatory bail was dismissed.

Notice of motion.

Mr. Adhiraj Singh, AAG Punjab accepts notice on behalf of respondent-State of Punjab.

List on 21.11.2023.

Meanwhile, the petitioner is directed to join investigation as and when called for. In the event of arrest, the petitioner shall be admitted to interim bail on furnishing personal bonds with adequate surety to the satisfaction of the Arresting Officer. The petitioner shall also abide by all the terms and conditions as specified in Section 438(2) of the Code of Criminal Procedure, 1973.”

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 Baldev 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 24.07.2023 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.

21.11.2023*Deepak Patwal***(ALKA SARIN)
JUDGE**

1. Whether speaking/reasoned: Yes/No
2. Whether reportable: Yes/No