

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

207

CRM-M-36396-2023

Date of decision: 04.10.2023

Balwinder Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Sultan Singh Gill, Advocate
for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

Mr. Kuljit Singh Bal, Advocate
for the complainant.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of anticipatory bail under Section 438 of the Cr.P.C. in case FIR No.46 dated 11.06.2023 for the offences under Sections 323, 324, 506, 148, 149 IPC (Sections 326, 307 IPC added later on) registered at Police Station Ramdas, District Amritsar Rural.

2. On 28.07.2023, while noticing the following submissions made by the learned counsel for the petitioner, this Court had granted the concession of interim bail to the petitioner and asked him to join investigation:-

“While drawing the attention of this Court to the allegations levelled in the FIR, which has been annexed as Annexure P-1, learned counsel submits that a perusal of the same reveals that no injury much less inviting the mischief of Section 307 IPC stands attributed to the petitioner, and rather he has only been attributed a lalkara in the occurrence in question.”

3. Learned counsel for the petitioner submits that in compliance of order dated 28.07.2023/20.09.2023, the petitioner has joined investigation and cooperated with the investigating agency. A prayer has, therefore, been made to make the order dated 28.07.2023 absolute.

4. Learned State counsel, on instructions from ASI Baldev Singh, does not dispute the factum of the petitioner having joined investigation and cooperated with the investigating agency. It has also not been disputed by the learned State counsel that the only role attributed to the petitioner is a lalkara at the time of occurrence in question.

5. On the last date of hearing, learned ocunsel appearing for the complainant had placed a copy of the DDR dated 17.09.2023 and submitted that the accused party including the petitioner had been extending threats of dire consequences and hence, the extraordinary concession of anticipatory bail be declined to the petitioner. In the circumstances, learned State counsel had been directed to verify the authenticity of the submissions made by counsel for the complainant and what action had been taken on the DDR which had been got registered by the complainant party.

6. Learned State counsel, on instructions, has not disputed that a DDR dated 17.09.2023 had indeed been recorded, however, he submits that no further action had been taken against the accused party including the petitioner as the complaint was still being inquired into.

7. Learned counsel appearing for the petitioner has, on the contrary, asserted that the DDR has been recorded only with an oblique

motive so as to create hurdles for the petitioner from getting anticipatory bail. It has been submitted that the petitioner is a senior citizen, aged 62 years; not only in the FIR in question, he had been intentionally attributed a lalkara but even in the DDR totally false allegations had been levelled; that is precisely the reason that the police had not proceeded any further in the DDR.

8. I have heard learned counsel for the parties and perused the relevant material on record.

9. Since the petitioner has joined investigation and cooperated with the investigating agency, this Court deems it fit to extend the extraordinary concession of bail to the petitioner.

10. Accordingly, the petition is allowed and interim order dated 28.07.2023, is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C. Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

11. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

04.10.2023

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(MANJARI NEHRU KAUL)
JUDGE

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