

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

106

2023:PHHC:140788

CRM-M-53820-2023

Date of decision: November 6th, 2023

Baljinder Singh @ Talli

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Suram Singh Rana, Advocate
for the petitioner.

MANJARI NEHRU KAUL, J. (ORAL)

Petitioner is seeking the concession of pre-arrest bail under Section 438 of the Code of Criminal Procedure, 1973 in case FIR No.11 dated 18.02.2023 registered under Sections 323, 324, 307, 341, 148, 149 of the IPC (Section 302 IPC added later on) registered at Police Station Noor Mahal, District Jalandhar Rural.

2. Learned counsel for the petitioner while drawing the attention of this Court to the FIR, which has been annexed as Annexure P-1, submits that the petitioner has not been attributed any injury on the person of the deceased but has only been attributed an injury with a *dah* on the person of one of the witnesses i.e. Sushil Kumar. He submits that the custodial interrogation of the petitioner, in the light of the role attributed to him, would not be required and the petitioner is willing to join investigation and cooperate with the investigating agency.

3. Notice of motion.

4. On the asking of the Court, Mr. Mohit Kapoor, Additional Advocate General, Punjab, accepts notice on behalf of the

respondent.

5. Learned State counsel has opposed the prayer made by the counsel opposite. He submits that the petitioner is at large ever since the FIR in question was lodged; even the challan stands presented against all the remaining eight accused. Learned State counsel has submitted that the petitioner inflicted a *dah* blow on one Sushil Kumar and was part of the unlawful assembly; furthermore he is a man of criminal antecedents as he is involved in two other criminal cases.

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

7. In view of the allegations levelled in the FIR and the role attributed to the petitioner, coupled with his criminal antecedents, this Court does not deem it fit to extend the extraordinary concession of anticipatory bail to the petitioner.

8. The instant petition, therefore, stands dismissed.

9. 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.

November 6th, 2023

Puneet

**(MANJARI NEHRU KAUL)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : No