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

CRM-M-61182-2022 (O&M)

Date of Decision: 17.04.2023

Balbir Singh and another

....Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Mr. Tanvir S. Grewal, Advocate
for the petitioners.

Mr. Subhash Godara, Addl. AG, Punjab.

Mr. Himanshu Puri, Advocate, for
Mr. Sunny Singla, Advocate
for the complainant.

HARSH BUNGER, J. (Oral)

CRM-15247-2023

The present application is filed for impleading the complainant
i.e. Ranjit Singh s/o Karnail Singh as respondent No.2 in
CRM-M-61182-2022.

Criminal Misc. Application is allowed as prayed for.

Amended Memo of Parties is taken on record, subject to all just
exceptions.

CRM-15261-2023

The present application is filed for placing on record
photographs and report of medical board of doctor as Annexures R-1
and R-2.

For the reasons mentioned in the application, the same is
allowed and Annexures R-1 and R-2 are taken on record, subject to all just
exceptions.

CRM-M-61182-2022

Prayer in the present petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioners in case FIR No.239, dated 25.11.2022 (Annexure P-1), registered under Sections 326, 323, 341, 506 and 34 of the Indian Penal Code, 1860, at Police Station Sadar Dhuri, District Sangrur, Punjab.

On 03.01.2023 the following order was passed by Co-ordinate Bench of this Court :-

“The instant petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioner in case bearing FIR No.239 dated 25.11.2022 under Sections 326, 323, 341, 506 & 34 of the IPC registered at Police Station Sadar Dhuri, District Sangrur (Annexure P-1).

Learned counsel appearing on behalf of the petitioners contends that the petitioners have been falsely implicated on account of old enmity and that in fact an earlier FIR No. 303 dated 09.11.2019 was also registered against the petitioners by the said complainant himself. He further contends that the injury in question has stated to be on the deep finger and has been attributed to both the petitioners. He avers that marriage of the petitioner No.1 was already fixed for 28.11.2022 and the incident is stated to have taken place on 24.11.2022 only to cause harassment to the petitioners. He contends that the petitioners are ready and willing to join the investigation as and when required to do so.

Notice of motion.

Mr. Saurav Verma, Addl. A.G. Punjab appears and accepts notice on behalf of respondent-State who prays for some time to complete instructions.

To come up on 23.03.2023, for further consideration.

In the meantime, the petitioners are directed to join investigation as and when so required by the Investigating Agency. In the event of petitioners joining investigation, they shall be admitted to interim bail by the arresting officer/investigating officer on furnishing of bail bonds by them to the satisfaction of the arresting officer/investigating officer. The petitioners shall also abide by the conditions as specified under Section 438 (2) Cr.P.C.”

Learned State counsel has opposed the anticipatory bail to petitioner No.2 by submitting that the injury relatable to Section 326 is

attributed to him and he does not deserve the concession of anticipatory bail.

After arguing for some time learned counsel for the petitioners submits that he may be permitted to withdraw this petition in respect of petitioner No.2-Lovepreet Singh.

Ordered accordingly.

The present petition now survives only qua petitioner No.1-Balbir Singh.

Learned counsel for petitioner No.1 submits that in pursuance to order dated 03.01.2023, the petitioner No.1 has joined the investigation.

Learned State counsel on instructions from ASI Harvinder Pal Singh has submitted that petitioner No.1-Balbir Singh has joined the investigation and his custodial interrogation is not required at this stage.

Heard learned counsel for the parties.

Since the petitioner No.1-Balbir Singh has joined the investigation and his custodial interrogation is not required at this stage, the present petition is allowed and the ad-interim order dated 03.01.2023 passed by Co-ordinate Bench of this Court is made absolute qua petitioner No.1-Balbir Singh only.

However, petitioner No.1-Balbir Singh shall continue to join the investigation as and when required to do so and abide by all the conditions laid down under Section 438(2) Cr.P.C.

It is made clear that if the petitioner No.1-Balbir Singh fails to comply with any of the bail conditions laid down under Section 438(2) Cr.P.C, the State would be at liberty to move an application for cancellation of this anticipatory bail granted to petitioner No.1-Balbir Singh.

Nothing expressed here-in-above shall be construed to be an observation on merits of the case and the facts and circumstances recorded

above are only for consideration of the prayer for anticipatory bail at this stage.

The petition is accordingly disposed of.

17.04.2023
Himani

(HARSH BUNGER)
JUDGE

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