

215-2

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-964-2024 (O&M)
Date of decision : 04.04.2024

BALWINDER SINGHPetitioner

Versus

STATE OF PUNJABRespondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Ms. Amarjot Kaur, Advocate
for the petitioner.

Mr. Shiva Khurmi, AAG, Punjab.

Mr. Raja Paramdeep Saini, Advocate
for the complainant.

PANKAJ JAIN, J. (ORAL)

On 23.01.2024, the following order was passed :-

“Apprehending his arrest in FIR No.315 dated 12.10.2020, registered for offences punishable under Sections 307, 325, 452, 148 and 149 of the Indian Penal Code, 1860 at Police Station Ajnala, District Amritsar, the petitioner has preferred this petition under Section 438 Cr.P.C. seeking pre-arrest bail.

Ld. Counsel for the petitioner inter alia contends that the FIR was lodged after delay of 1 month and 46 days which remains unexplained. Apart from that it is a case of version and cross version. He further relies upon the order dated 20th of December, 2023 passed in CRM-M No.60753 of 2023 whereby co-accused Balraj Singh already stands admitted to interim protection.

Issue notice of motion, returnable for 04.04.2024. To be heard along with CRM-M No.60753 of 2023.

Mr. Tarun Aggarwal, Sr. DAG, Punjab appears and accepts notice on behalf of the respondent/State.

Interim order in the same terms as in CRM-M-60753-2023.”

2. Today, Ld. State Counsel on instructions from ASI Bhupinder Singh submits that the petitioner has already joined investigation and is no more required for custodial interrogation.
3. However, counsel for the complainant opposes the bail plea claiming that there was severe blow that too in the abdomen and its a case of Section 307 IPC and thus the petitioner does not deserve to be granted pre-arrest bail.
4. Faced with the situation, counsel for the petitioner has referred to Annexure P-3 i.e. the DDR to submit that its a case of version and cross version wherein accused party has also suffered grievous injury at the hands of the complainant(s) and the complainants stand booked for offences punishable under Sections 326, 323, 341, 506, 148, 149 IPC.
5. On being asked a specific query as to whether is it so, State Counsel submits that the complainant party is on run and the police proceedings in the DDR are matter of record.
6. In view of above, without commenting on the merits of the case, order dated 23.01.2024 is made absolute, subject to the conditions as enumerated under Sections 438(2) Cr.P.C.
7. This order should not be treated as "blanket" order. It will not be

read granting the petitioner indefinite protection from arrest. It shall be confined to the FIR mentioned *ibid* and will not operate in respect of any other incident that involves commission of an offence.

8. This order does not in any manner limit or restrict the rights or duties of the police or investigating agency to investigate into the charges against the petitioner.

9. The petitioner shall be deemed to be in custody for the purpose of Section 27 of the Evidence Act in regard to a discovery of facts made in pursuance of information supplied by the petitioner in case the occasion arises.

10. It will be open to the police or the investigating agency to move this Court for a direction under Section 439(2) Cr.P.C. to arrest the accused, in the event of violation of any term, such as absconding, non-cooperating during investigation, evasion, intimidation or inducement to witnesses with a view to influence outcome of the investigation or trial.

11. Petition stands disposed off accordingly.

April 04, 2024		(Pankaj Jain)
Dpr		Judge
	Whether speaking/reasoned	: Yes/No
	Whether reportable	: Yes/No