

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

104

CRM-M-21549-2024
Date of decision: 01.08.2024

BALWINDER SINGH ALIAS BALWINDER SINGH SAGOO AND ORS

....Petitioners

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Rakesh Kumar, Advocate
for the petitioners.

Mr. Pardeep Bajaj, DAG, Punjab.

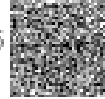
KULDEEP TIWARI. J.(Oral)

1. On 15.05.2024, this Court had passed the hereinafter extracted order,
upon the instant petition:-

“1. Through the instant petition, as instituted under Section 438 read with Section 482 of the Cr.P.C., the petitioners seek the concession of anticipatory bail, in case FIR No.10 dated 20.01.2021, under Sections 448, 511 of the IPC, registered at P.S. Division No.7, District Jalandhar.

2. The learned counsel for the petitioners submits that, although the petitioners have been declared “Proclaimed Persons” in the present FIR, however, the order declaring them “Proclaimed Persons” has been assailed before this Court, through filing CRM-M-23984-2024, wherein, this Court has, vide order of even date, besides issuing notice, also stayed the operation of the impugned order.

3. The learned counsel for the petitioners further submits that the present FIR carries a totally concocted version. A civil dispute



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concerning ownership of a property has been camouflaged as a criminal litigation. Moreover, since the civil suit filed by the complainant in respect of the said property already stands dismissed by the learned civil court concerned, therefore, the cause portrayed behind registration of the present FIR does not survive at all.

4. Notice of motion for 18.07.2024.

5. Mr. Pardeep Bajaj, D.A.G., Punjab, accepts notice on behalf of respondent-State of Punjab.

6. In the meantime, the petitioners are directed to join the investigation and to appear before the investigating agency, as and when called upon to do so. In the event of their arrest, they shall be admitted to interim bail on their furnishing bail bonds to the satisfaction of the Arresting/Investigating Officer. The petitioners shall abide by the terms and conditions as envisaged under Section 438(2) Cr.P.C.

7. To be heard with CRM-M-23984-2024.”

2. Today, the learned State counsel has, on instructions imparted to him by ASI Satwinder Singh, stated that pursuant to the making of the hereinabove extracted order, the petitioners have joined investigation and they are no longer required for custodial interrogation.

3. In view of the above, the hereinabove extracted interim order dated 15.05.2024, is hereby made **absolute**, subject to the hereinafter extracted conditions:-

“(i) the petitioners shall not commit an offence similar to the present offence;

(ii) the petitioners shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case;

(iii) the petitioners shall make themselves available for interrogation by a police officer as and when required.”

4. This order should not be treated as “blanket” order. It will not be read granting petitioners 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.
5. Needless to say that anything observed hereinabove shall not be construed to be an opinion on the merits of the case.

01.08.2024
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(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No