



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

**CRM-M-28280-2024
DATE OF DECISION: 30.05.2024**

BALWANT SINGH ..PETITIONER

Versus

STATE OF PUNJAB ... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. K.S. Sekhon, Advocate for the petitioner(s).

Mr. J.S. Rattu, DAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court has been invoked under Section 438 of Cr.P.C., for grant of anticipatory bail in case FIR No.21 dated 25.04.2024 registered under Sections 324/323/148/149 IPC and Section 308 IPC added later on at Police Station Amir Khas, District Fazilka.

2. Learned counsel for the petitioner submits that no specific role has been attributed to the petitioner and it is a case of cross-version in as much as DDR No. 24 dated 26.04.2024 was also recorded on the statement of Karan Singh son of Lakhwinder Singh and there is also two days of unexplained delay in lodging the instant FIR. He further asserts that addition of Section 308 subsequently also cannot be attributed to the petitioner which relates to an injury caused by Kapa by co-accused-



Jasvir Singh @ Jassi and on that account the petitioner deserves the concession of bail.

3. Notice of motion.

4. On the asking of Court, learned State Counsel appearing on advance notice, accepts notice on behalf of respondent-State and on instructions from ASI Swaran Singh opposes the prayer for grant of bail by submitting that the petitioner has given injury by baseball bat on the chest as has been stated by one Om Parkash in his statement and the medical opinion of this injury is still awaited, therefore, the custodial interrogation of the petitioner is required as alleged baseball bat is still to be recovered. He further asserts that cross-case version was found to be false and other than that multiple injuries with the help of kapa and sword had been inflicted on the person of the complainant.

5. Be that as it may, the injuries against the present petitioner coming on record would only, if at all found to be true would fall upon within the definition of Section 323/324 IPC and not under Section 308 IPC being an admitted position even at the behest of learned State Counsel.

6. After having heard learned counsel for the parties, this Court finds no reason to deny the petitioner the concession of bail if the petitioner has bona fide intentions and is willing to join the investigation and cooperate for furtherance of the same so that the final report can be submitted by the Investigating Agency in time. Further, the petitioner ensures that the said baseball bat would be handed over to the Investigating officer at the



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time of joining investigation within the time stipulated by this Court.

7. Hence, in view of the admitted set of circumstances before this Court, the petitioner is directed to be released on anticipatory bail subject to his joining investigation and reporting to the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the terms and conditions as envisaged under Section 438(2) of Cr.P.C.

8. However, it is made clear that in case the petitioner does not comply with the aforesaid direction of joining the investigation within one week, the order passed by this Court today shall automatically stands cancelled.

9. The petition in the aforesaid terms stands disposed off.

(SANDEEP MOUDGIL)
JUDGE

30.05.2024
anuradha

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