



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

CRM-M-30288-2024

Date of Decision : 04.07.2024

BALJINDER SINGH

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Sukhwinder S. Dhillon, Advocate,
for the petitioner.

Mr.Pardeep Bajaj, DAG, Punjab.

KULDEEP TIWARI, J.(Oral)

1. Status report dated 04.07.2024, by way of an affidavit of SI Varun Kumar, SHO, Police Station City Sri Muktsar Sahib, has been filed, by the learned State counsel today in Court, which is taken on record, with a copy thereof supplied to learned counsel for the petitioner, who seeks time to go through the same and address arguments.
2. On 21.06.2024, the following order was passed by this a co-ordinate bench of this Court:-

- “1. The petitioner prays for the pre-arrest bail in a criminal case arising from FIR No.42, dated 17.03.2024, registered under Sections 302, 148, 149, 120-B of the Indian Penal Code, 1860, at Police Station City Sri Muktsar Sahib, District Sri Muktsar Sahib.
2. As per the case of the petitioner, he is not involved in the present case and it is a case of mistaken identity. The petitioner claims that he is residing in the same area and his nickname is Heera, however, he has absolutely no connection with the alleged offence. The petitioner relies upon the affidavit of the first informant, which has been annexed as Annexure P-3. Head Constable Kuldeep Singh has appeared to assist the State counsel, however, he has no clue or knowledge about any development.

3. The learned counsel representing the petitioner draws the attention of the Court to para 4 of the order passed by the Additional Sessions Judge on 17.05.2024, which is extracted as under:-

“4. HC Harpreet Singh, No.230/SMS produced the record of the present FIR and stated that nothing is to be recovered from the accused. The accused has not filed any other bail application before any other Court nor it has been decided by any superior Court. There is no other FIR registered against the accused.”

4. Keeping in view the aforesaid facts, prima facie the identity of the petitioner is yet to be established.

5. Notice of motion.

6. Mr. Kanav Singla, Assistant Advocate General, Punjab, accepts notice on behalf of the State.

7. Adjourned to 04.07.2024.

8. In the meantime, in the event of arrest, the petitioner shall be released on the interim bail subject to furnishing personal bonds and surety to the satisfaction of the Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

9. It shall be the responsibility of the Investigating Officer to file an affidavit before the next date of hearing in response to the assertions made in the petition. ”

3. Learned State counsel, on instructions to him by the police official concerned, submits that the petitioner has already joined the investigation in pursuance to the aforesaid order, and he has fully co-operated with the investigation process, and is no more required for any further custodial investigation.

3. In view of the specific stand taken by the learned State counsel, the present petition is allowed, and order dated 21.06.2024 is, hereby, made absolute, on the terms and conditions as envisaged under Section 438(2) of the Cr.P.C.

July 04, 2024
dharamvir

(KULDEEP TIWARI)
JUDGE

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