

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

101 CRM-M-44579-2023
Date of Decision : March 05, 2024

BALKAR SINGH -PETITIONER
V/S

STATE OF PUNJAB -RESPONDENT

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Rakesh Gupta, Advocate
for the petitioner.

Mr. Pardeep Bajaj, D.A.G., Punjab.

KULDEEP TIWARI, J. (ORAL)

1. On 06.09.2023, a Co-ordinate Bench of this Court had passed
the hereinafter extracted order, upon the instant petition:-

“This is a petition filed under Section 438 Cr.P.C. seeking anticipatory bail in case FIR No.50 dated 25.05.2023, under Section 323, 324, 341, 506, 148 and 149 IPC (Sections 325 and 326 IPC added later on), registered at Police Station Mehatpur, District Jalandhar Rural.

Learned counsel for the petitioner inter alia submits that the petitioner is a senior citizen, 69 years of age and has been falsely implicated in the above noticed FIR. It is submitted that the petitioner was not present at the spot at the time of occurrence, though it has been alleged that he gave a dang blow which hit on the right shoulder of complainant Jaswinder Singh and another dang blow, which hit on the head of Manpreet Singh. It is pleaded that the petitioner is a Canadian citizen and he is keen to join investigation and has undertaken on affidavit to also appear before the trial Court. It is further submitted that petitioner undertakes to abide by each and every condition which may be imposed upon him.

Notice of motion, returnable for 16.11.2023.

Mr. Sanish Girdhar, AAG, Punjab, accepts notice on behalf of respondent-State and waives service. Learned State counsel, on instructions from ASI Dawarka Das, Police Station Mehatpur, District Jalandhar Rural, submits that the petitioner has inflicted injury that has subsequently been declared as grievous in nature and during the pendency of the investigation,

he has fled away to Canada. It is further submitted that till date, no step have been taken to secure the presence/custody of the petitioner from Canada. It is clarified that the said procedure is lengthy and time consuming. He seeks time to file reply/status report.

In the meanwhile, petitioner shall join the investigation within six weeks from today and would associate as and when called. In the event of arrest, the petitioner shall be admitted to interim bail on his furnishing personal bond and surety to the satisfaction of Arresting Officer/Investigating Officer. The petitioner shall abide by the conditions specified in Section 438(2) Cr.P.C.

It is, however, made clear that no further extension of time would be granted for the aforesaid purpose in case the petitioner fails to join investigation within the stipulated time.”

2. Today, the learned State counsel, on instructions imparted to him by the official concerned, has stated that pursuant to the making of the hereinabove extracted order, the petitioner had joined investigation and he is no longer required for custodial interrogation.

3. In view of the above, the hereinabove extracted interim order dated 06.09.2023, as made by a Co-ordinate Bench of this Court, is made hereby absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.

4. This order should not be treated as “blanket” order. It will not be read granting 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.

5. Needless to say that anything observed hereinabove shall not be construed to be an opinion on the merits of the case.

March 05, 2024
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(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned : Yes/No