

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

208

CRM-M-61052-2023
Date of decision: 13.02.2024

BALWINDER SINGH

....Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Ms. Pragti Kumari, Advocate with
Mr.S.S. Thakur , Advocate for the petitioner.

Mr. Raghav Garg, AAG, Punjab.

KULDEEP TIWARI. J.(Oral)

On the last date of hearing i.e on 05.12.2023, the following order was
passed:-

"1. Through the instant petition, as instituted under Section 438 of the Cr.P.C., the petitioner has sought the concession of anticipatory bail, in case FIR No.49 dated 24.06.2023, under Sections 186, 353, 427, 506 of the IPC, and, Sections 21(1), 21(4) of The Mines and Minerals (Development and Regulation) Act, 1957, registered at P.S. Hajipur, District Hoshiarpur.

2. The learned counsel for the petitioner, in his asking for the relief (supra), submits that the petitioner has been falsely entangled in the instant FIR, as neither his name reflects in the FIR (supra), nor any specific allegation has been leveled against him, nor he was present at the spot at the relevant time. The petitioner has been roped in the FIR (supra) only pursuant to his name being surfaced in the disclosure statement of co-accused Romas Masih, which indeed does not carry any sanctity of law, as it was recorded in police custody. Furthermore, by placing reliance upon Annexures P-3 and P-4, whereby, co-accused, namely, Romas Masih and Kuljeet Singh, have been granted the concession of pre-arrest bails by Co-ordinate

Bench of this Court, the learned counsel for the petitioner prays for treating the petitioner at par with co-accused to grant the relief (supra), as the petitioner is on a better footing than them, being initially not named in the FIR.

3. Notice of motion for 13.02.2024.

4. Mr. Karunesh Kaushal, A.A.G, Punjab, accepts notice on behalf of respondent-State of Punjab.

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

Learned counsel for the petitioner submits that in pursuance of the order dated 05.12.2023, the petitioner has joined the investigation. Learned counsel for the petitioner further submits that the relief of interim bail granted to the co-accused namely Romas Masih has also been made absolute by the Co-ordinate Bench of this Court, vide order dated 06.11.2023.

Learned State counsel, on instructions from the official respondent, submits that the petitioner had joined the investigation and he is not required for any further custodial interrogation.

In view of the statement made by learned State counsel, the interim order dated 05.12.2023, is hereby made absolute.

13.02.2024
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(KULDEEP TIWARI)
JUDGE

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