



CRM-M-63484-2023 (O&M)

- 1 -

219 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-63484-2023 (O&M)
DATE OF DECISION : 30.05.2024

BALDEV SINGH AND OTHERS ... PETITIONERS
V/S
STATE OF PUNJAB AND ANOTHER ... RESPONDENTS

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. S. S. Khaira, Advocate, for the petitioners.

Ms. Sakshi Bakshi, AAG, Punjab.

Mr. Ritesh Pandey, Advocate, for respondent No.2.

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HARPREET KAUR JEEWAN, J. (ORAL)

1. The instant petition has been filed under Section 438 Cr.P.C for grant of anticipatory bail to the petitioners in case FIR No.0293 dated 26.10.2023, under Sections 354, 354-A, 323, 324, 341, 506, 148, 149 and 326 IPC, registered at Police Station Civil Lines Batala, Police District Batala, District Gurdaspur.

2. On 16.01.2024 following order was passed:

“xxxx Petitioners are facing investigation with the allegations that they gave beatings and inflicted injuries to the complainant party due to some altercation between them, resulting into registration of the present FIR. Learned counsel for the petitioners inter alia contends that petitioners No.2 and 3 have also received injuries qua which DDR No.51 dated 26.12.2023 has been recorded by the police. Two injuries on the person of petitioner No.2-Sukhjeet Singh were subjected to the X-ray examination and injury No.4 has been declared grievous injuries which is on the right leg of the petitioner No.2. The petitioner No.2 is 32 years old. A copy of the X-ray report dated 23.10.2023 has been furnished in the Court which is taken on record.

Notice of motion.



Mr. Jaspal Singh Guru, AAG, Haryana appears and accepts notice on behalf of the State. He has filed status report by way of affidavit of Deputy Superintendent of Police, Sub Division Batala, Police District Batala, on behalf of respondents No.1 and 2 which is having a reference of injuries on the person of Kulbir Kaur and Jagtar Singh in para-5. There is also a reference of the aforesaid DDR in para-9 of the same. However, status report is incomplete as documents referred therein are not annexed. The said report is taken on record.

Learned counsel for the complainant contends that the grievous injuries have been given on the person of Jagtar Singh and there are two injured, as such, he opposes the bail application.

Adjourned to 29.02.2024.

State counsel is directed to file status report again with better particulars with para wise reply.

As per status report, injury No.1 on the person of Jagtar Singh which is grievous in nature has been attributed to the non-petitioner Sahibpreet Singh.

Keeping in view injuries sustained by petitioner No.2; the age of the petitioner No.3 and the fact that she is a woman, the petitioners No.2 and 3 are directed to join investigation within one week and in the event of arrest, they shall be released on interim bail, on their furnishing adequate bail and surety bonds to the satisfaction of the arresting officer/Ilaqa Magistrate, subject to the following conditions:-

(i) the petitioners No.2 and 3 shall make themselves available for interrogation by a police officer as and when required.

(ii) That the petitioners No.2 and 3 shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer.

(iii) That the petitioners No.2 and 3. shall not leave India without the prior permission of the Trial Court/CJM concerned.”

3. Learned counsel for the petitioners contends that petitioner Nos. 2 and 3 namely Sukhjeet Singh and Bhajan Kaur have joined the investigation in compliance of the order passed by this Court.

**CRM-M-63484-2023 (O&M)****- 3 -**

4. Learned State counsel, on instructions from ASI Sukhdev Singh, has also confirmed that petitioner Nos. 2 and 3 namely Sukhjeet Singh and Bhajan Kaur have joined investigation. Recovery has also been effected. State counsel further informs that custodial interrogation of petitioner Nos. 2 and 3 is not required.

5. Learned counsel for the petitioners further contends that now the matter has been compromised between the parties and a compromise deed dated 22.04.2024 has been executed between the petitioners and first informant/injured. Photocopy has been submitted in the Court, the same is taken on record.

6. Learned State counsel has further confirmed, referring to the status report by way of affidavit of Lalit Kumar, PPS, Deputy Superintendent of Police, Sub Division, City Batala, Police District Batala that the even petitioner No.1-Baldev Singh has been attributed injury which is simple in nature attracting the offence alleged to have been committed under Section 323 IPC.

7. In view of the aforesaid facts and the reasons recorded in the order dated 16.01.2024, the present petition is allowed and the order dated 16.01.2024 granting interim bail to petitioner Nos. 2 and 3 is made absolute, subject to the conditions laid down in Section 438(2) Cr.P.C.

8. The application qua petitioner No.1-Baldev Singh is also allowed, subject to the condition that petitioner No.1 shall join the investigation within a period of 10 days and as and when required. He shall also abide by all the terms and conditions as specified in Section 438(2) of the Code of Criminal Procedure, 1973 failing which the interim order shall

**CRM-M-63484-2023 (O&M)****- 4 -**

be treated as vacated qua petitioner No.1.

9. However, it is made clear that nothing expressed hereinabove would be construed to be an expression of opinion on merits of the case.

10. Liberty is also reserved in favour of the State/complainant to move for cancellation/recalling of the order in case the petitioners violate any conditions stipulated under Section 438 (2) Cr.P.C., or upon showing any other sufficient cause.

11. All the pending miscellaneous applications, if any, shall stand disposed of.

30.05.2024

Janki

**(HARPREET KAUR JEEWAN)
JUDGE***Whether speaking/reasoned : Yes/No**Whether reportable : Yes/No*