

CRM-M-65295-20231

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

300CRM-M-65295-2023

Date of decision: 21.02.2024

Balwinder Singh...Petitioner

V/s

State of Punjab...Respondent

CORAM: HON’BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Dinesh Mahajan, Advocate for the petitioner.

Mr. Anup Singh AAG Punjab.

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SUMEET GOEL, J. (Oral)

1. Present petition has been filed under Section 438 of Code of Criminal Procedure, 1973 (for short ‘Cr.P.C.’) for grant of anticipatory bail to the petitioner in case FIR No.310 dated 15.11.2023, under Section 498-A/323/325/34 IPC registered at Police Station Civil Lines, District Batala.
2. On 04.01.2024 the following order was passed:-

Present petition has been filed under Section 438 Cr.P.C. seeking anticipatory bail to the petitioner in case FIR No. 310 dated 15.11.2023 registered under Sections 498-A of Indian Penal Code, 1860, at Police Station Civil Line Batala, Police District Batala (Annexure P-1).

Notice of motion.

On asking of the Court, Mr. M.S. Nagra, AAG, Punjab accepts notice on behalf of the respondent-State.

Mr. Jagjeet Singh, Adovcate has put in appearance on behalf of the complainant and filed his Vakalatnama.

In the meantime, the petitioner is directed to appear before the Investigating/Arresting Officer to join investigation within one week or as and when required subsequently. In the event of his arrest, the Investigating/Arresting Officer shall release the petitioner on interim bail on furnishing personal/surety bonds to his/her satisfaction. The petitioner shall also abide by the conditions as envisaged under Section 438(2) Cr.P.C.

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*At this stage, petitioner and complainant are directed to appear before the Mediator of Mediation and Conciliation Centre of this High Court on 18.01.2024.*

*Adjourned to 21.02.2024 for awaiting report.”*

3. The Mediation proceedings between the parties have failed.
4. Learned State counsel, on instructions from ASI Harpal Singh, has stated that pursuant to the order dated 04.01.2024, the petitioner has joined investigation and is no longer required for custodial interrogation.
5. In view of the above, the petition is allowed and the interim order dated 04.01.2024 passed by this Court whereby petitioner has been granted pre-arrest bail shall be read in context of offences under Sections 323, 325 and 34 IPC also. The same is made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.
6. 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.
7. Liberty is reserved in favour of State/complainant to move for cancellation/recall of this order in case the petitioner violates any condition stipulated under Section 438(2) Cr.P.C., 1973 or upon showing any other sufficient cause.
8. Needless to say that anything observed herein above shall not be construed to be an opinion on the merits of the case.

(SUMEET GOEL)  
JUDGE

February 21, 2024  
*Ajay*

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| Whether speaking/reasoned: | Yes/No |
| Whether reportable:        | Yes/No |