

Balwant Singh Vs. State of Punjab

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Court : Punjab and Haryana

Decided On : Aug-19-2013

Appellant : Balwant Singh

Respondent : State of Punjab

Judgement :

Singh Omkar 2013.08.21 11:32 I attest to the accuracy and CRM not M-15220 o

1. integrity of this document IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH CrI.

Misc.

not M- 15220 of 2013(O&M) Date of Decision: August 19, 2013.

Balwant SinghPETITIONER(s) Versus State of PunjabRESPONDENT (s)
CORAM:- HON'BLE MR.JUSTICE RAM CHAND GUPTA Present: Mr.Vinot
S.Bhardwaj, Advocate, for applicant/petitioner.

MRS.SiMs.Dhir Malhotra, DAG, Punjab.

Mr.H.S.Sangha, Advocate, for the complainant.

***** RAM CHAND GUPTA, J.(Oral) CRM No.36616 of 2013 Requests for placing
on record copy of order dated 22.05.2013 as Annexure A1 and copy of order
dated 25.07.2013 as Annexure A2 passed by the trial court.

The same are taken on record subject to all just exceptions.

CRM stands disposed of.

CRM not M-15220 of 2013 The present petition has been filed for anticipatory bail under Section 438 of Code of Criminal Procedure in FIR no.42 dated 27.06.2011, Singh Omkar 2013.08.21 11:32 I attest to the accuracy and CRM not M-15220 o

2. integrity of this document under Sections 302/34 IPC, registered at police station Joga, Tehsil and District Mansa.

I have heard learned counsel for the parties and have gone through the whole record including the impugned order passed by learned Additional Sessions Judge, Mansa dismissing anticipatory bail application filed by the petitioner.

Coordinate Bench of this Court while issuing notice of motion on 20.05.2013 passed the following order:- Crl.M.No.25160 of 2013 Application is allowed subject to all just exceptions.

Crl.M.not M-15220 of 2013 Inter-alia contends that entire family of petitioner has been involved in this case and that there is no specific allegation against petitioner-accused except that he allegedly caught hold of deceased.

Further submitted that even as per medical evidence, death of Jaswinder Kaur was caused by hanging and not by strangulation.

Further submitted that he was found innocent in the enquiry being conducted by higher police officer and hence, challan was not filed against him and however, he has been summoned to face trial by learned trial Court by allowing application of prosecution under Section 319 Cr.P.C.Further submitted that he is ready to appear before learned trial Court to face trial.

Notice of motion to Advocate General, Punjab for 22.07.2013.

However, in the meantime, petitioner is directed to appear before learned trial Court within two weeks and if he so appeaRs.he shall be released on interim bail by learned trial Court to its satisfaction subject to compliance of any conditions that

may Singh Omkar 2013.08.21 11:32 I attest to the accuracy and CRM not M-15220 o

3. integrity of this document deem to be imposed by it.

It has been contended by learned counsel for petitioner that he has already appeared before learned trial court pursuant to abovesaid order and admitted to interim bail.

He has also placed on record copies of orders passed by learned trial court as Annexure A1 and A2.

It is further stated by learned counsel for petitioner that petitioner undertakes to appear before learned trial Court on each and every date of hearing and face trial.

The factual position has not been disputed by learned counsel for respondent-State.

There are no allegations on behalf of the State that petitioner is likely to abscond or that he is likely to dissuade the witnesses from deposing true facts in the Court, if released on bail.

Hence, in view of these facts and without expressing any opinion on the merits of the case, the anticipatory bail application filed on behalf of Balwant Singh is accepted and order dated 13.05.2013 granting interim bail in favour of the petitioner is, hereby, made absolute subject to any conditions that may deem to be imposed by learned trial Court.

The present petition stands disposed of accordingly.

(RAM CHAND GUPTA) August 19, 2013.

JUDGE om

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