

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-10418-2015

Date of decision: 25.08.2015

Gursewak Singh

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE R.P. NAGRATH

PRESENT: Mr. PS Dhaliwal, Advocate for the petitioner.

Mr. SS Pannu, DAG, Haryana.

Ms. Sangeeta Kalia, IPS, Superintendent of Police and
Mr. Jagjit Singh, HPS, Deputy Superintendent of Police,
Fatehabad, are present in person.

R.P. NAGRATH, J. (ORAL)

This petition under Section 438 Cr.P.C. has been filed by the petitioner seeking anticipatory bail in FIR No. 152 dated 10.03.2015 registered under Sections 148/149/323/341/452/506 of the Indian Penal Code and Sections 25/27 of the Arms Act at Police Station Ratia, District Fatehabad.

When this case was listed on 01.04.2015, following order was passed:-

“Learned counsel for the petitioner inter alia contends that Section 452 IPC has been added just to make the offence non-bailable. It is further contended that Sections 25 and 27 of the Arms Act, 1959 have been deleted during investigation. It is also submitted that rest of the accused were arrested and granted regular bail.

Notice of motion for 21.07.2015.

Meanwhile, in the event of arrest of the petitioner, he shall be released on bail by the

Arresting/Investigating Officer. The petitioner shall abide by the conditions as enshrined in Section 438 (2) Cr.P.C.

It is directed that respondent-State would file specific response by way of affidavit of the officer not less than the rank of Deputy Superintendent of Police with regard to threat calls made to the complainant, before the next date.”

Learned State counsel submits that reply by way of affidavit of Ms. Sangeeta Kalia, IPS, Superintendent of Police, Fatehabad has already been filed and as per the same, a call was made by Hans Raj @ Hansa, one of the co-accused/non-applicant for compromise and not for extending any threat. It is further submitted that the petitioner has joined the investigation on 30.07.2015 and recovery of a wooden rod was made from him. It is also submitted that the petitioner is no more required for further interrogation.

It is the case of prosecution that petitioner had broken the glass of Bolero vehicle but he did not inflict any injury to any of the witnesses. The co-accused have been arrested and granted the concession of regular bail.

In view of the above and without expressing any opinion on merits of the case, the instant petition is allowed and interim bail granted to the petitioner vide order dated 01.04.2015 is made absolute. The petitioner shall also abide by the conditions as enshrined in Section 438 (2) Cr.P.C.

August 25, 2015
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(R.P. NAGRATH)
JUDGE