

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**Criminal Misc. No. M-14407 of 2015
Date of Decision: 11.8.2015**

Gurpal Singh

--Petitioner.

Vs.

State of Haryana

--Respondent.

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present : Ms. Ruchi Sekhri, Advocate
for the petitioner.

Mr. Ashish Yadav, Additional A.G. Haryana.

Mr. A.S.Sullar, Advocate
for the complainant.

RAMESHWAR SINGH MALIK J. (ORAL)

Petitioner seeks pre-arrest bail in FIR No. 77 dated 30.3.2015 under Sections 307/342/34 IPC and Sections 25/54/59 of the Arms Act, registered at Police Station Kallanwali, District Sirsa.

Notice of motion was issued and interim protection was granted.

Learned counsel for the petitioner submits that in compliance of the order passed by this Court, petitioner has joined the investigation more than once. She further submits that in view of the allegations levelled against the petitioner in the FIR, his custodial interrogation is not required and the petitioner is entitled for the concession of anticipatory bail. She prays for allowing the present petition.

On the other hand, learned counsel for the State as well as learned counsel for the complainant submit that since the petitioner has been found involved in 10 more cases other than present one, he is not entitled for the concession of anticipatory bail, being a habitual offender. They vehemently contended that petitioner was having a strong motive for commission of crime. They pray for dismissal of the present petition.

Having heard the learned counsel for the parties, after careful perusal of the record of the case and giving thoughtful consideration to the rival contentions raised, this Court is of the considered opinion that keeping in view the peculiar facts and circumstances of the present case, petitioner has been found entitled for the concession of anticipatory bail. It is so said, because it is not denied by the learned counsel for the State that petitioner has joined the investigation twice over and also cooperated with the investigating agency.

Further, involvement of the petitioner in other cases will not be a sufficient ground to deny him the concession of anticipatory bail in the present case, particularly when no injury has been attributed to the petitioner in the instant case. Mere presence of the petitioner at the place of occurrence will not make him liable for the offence under Section 307 IPC. Besides this, strange behaviour of the complainant in taking the injured to DMC Ludhiana on his own sweet will and that too, without informing the doctor of Government Hospital, Sirsa, where the injured was initially admitted, also goes in favour of the petitioner.

In view of the above and without commenting anything further on the merits of the case, lest it should prejudice the rights of either of the parties, present petition is allowed and order dated 4.5.2015 passed by this court is hereby made absolute, however, subject to the conditions envisaged under Section 438 (2) Cr.P.C.

Disposed of, accordingly.

(RAMESHWAR SINGH MALIK)
JUDGE

11.8.2015
Ak Sharma