

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

CRM-M-14877 of 2014

Date of decision : 11.03.2015

Bijender alias Billu

..... Petitioner

Versus

State of Haryana

... Respondent

CORAM:- HON'BLE MR. JUSTICE DARSHAN SINGH

Present: Mr. J.P. Jangu, Advocate for petitioner.

Mr. R. S. Doon, AAG, Haryana.

DARSHAN SINGH, J.

The present petition has been filed under Section 438 Code of Criminal Procedure by petitioner Bijender alias Billu for grant of anticipatory bail in the case FIR No.149 dated 04.04.2014 under Section 285 Indian Penal Code and 25 Arms Act Police Station Dharuhera.

It is alleged that accused has fired two rounds in the air from his country-made pistol and threatened to kill complainant Puran Singh. He also abused him, his wife and children.

Learned counsel for the petitioner contended that the petitioner has already joined the investigation thrice and has been thoroughly interrogated. He was not having any pistol. No injury has been caused to anybody. So, he deserves the concession of bail. To

support his contentions, learned counsel for the petitioner relied upon case **Hakam Singh Vs. State of Punjab 1988(2) Recent Criminal Reports 350.**

On the other hand, learned State counsel pleaded that the recovery of the country-made pistol is yet to be effected. The petitioner has not cooperated in the investigation. So, he does not deserve the concession of the anticipatory bail.

The accused-petitioner was admitted to interim anticipatory bail by this Court vide order dated 02.05.2014 and was directed to join the investigation. He was again directed to join the investigation vide orders dated 05.08.2014 and 28.11.2014. This fact has not been disputed that the petitioner has joined the investigation on three occasions as directed by this Court and has been thoroughly interrogated by the Investigating Officer. So, there is no substance in the plea raised by the learned State counsel that the petitioner has not cooperated in the investigation. I do not consider it fit to decline the concession of anticipatory bail to the petitioner simply on the ground that the recovery of the country-made pistol is to be effected from the possession of the petitioner. The petitioner has undergone sustained interrogation on three occasions which is only the legally permissible mode. But no recovery has been effected from the possession of the petitioner. So, it is not a case where the custody of the petitioner can be allowed to the police. Thus, the order of granting interim anticipatory bail to the petitioner is hereby made absolute with the directions that the petitioner will further

join the investigation as and when required by the Investigating Officer;
that he will not directly or indirectly tamper with the prosecution
evidence and that he will not leave India without permission of the trial
Court.

11.03.2015

sunil yadav

**(DARSHAN SINGH)
JUDGE**