

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

CRM-M-30326-2015

Date of decision: 13.10.2015

Anil @ Baba and anr.

... Petitioners

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Tapan Yadav, Advocate
for the petitioners.

Mr. Kapil Aggarwal, Addl. AG, Haryana.

RAMESHWAR SINGH MALIK, J. (ORAL)

Petitioners seek pre-arrest bail in FIR No.1082 dated 19.08.2015 under Sections 323, 341, 506, 34 IPC and Sections 25, 54, 59 of Arms Act, registered at Police Station City Gurgaon, District Gurgaon.

Notice of motion was issued and interim protection was granted.

Learned counsel for the petitioners submits that in compliance of the order passed by this Court, petitioners have joined the investigation and they are no more required for the purpose of any further investigation.

On the other hand, learned counsel for the State, on instructions from ASI Mahavir Singh, Police Station City Gurgaon, submits that although petitioners have joined the investigation but all the recoveries could not be effected from them, particularly that of a country-made pistol. He prays for dismissal of the present petition.

Having heard the learned counsel for the parties and after careful perusal of the record of the case, this Court is of the considered opinion that

since as per stand taken by the investigating agency itself in its reply (Annexure P-1), alleged country-made pistol was not found to have been used, the supplementary statement suffered by the complainant at a later point of time and that too before the investigating agency, cannot be made a ground for denying the concession of anticipatory bail to the petitioners.

In view of the above and without commenting anything further on merits at this stage, lest it should prejudice the rights of either of the parties, instant petition is allowed and the order dated 08.09.2015 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

13.10.2015
vishnu