

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

**Criminal Misc. No. M-33918 of 2015  
Date of Decision: 30.11.2015**

Jarnail Singh

--Petitioner.

Vs.

State of Punjab

--Respondent.

**CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK**

Present : Mr. A.S. Sekhon, Advocate  
for the petitioner.

Mr. Daljit Singh Virk, AAG, Punjab.

Mr. Arshdeep Singh Brar, Advocate  
for the complainant.

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**RAMESHWAR SINGH MALIK J. (ORAL)**

Petitioner seeks pre-arrest bail in FIR No. 54 dated 6.8.2015 under Sections 323/148/149/336 IPC and Sections 25/27/54 of the Arms Act, (Section 307 IPC was added later on), registered at Police Station Smalsar, District Moga.

Notice of motion was issued and interim protection was granted.

Learned counsel for the petitioner submits that challan has already been presented qua co-accused of the petitioner and in this view of the matter, custodial interrogation of the petitioner would not be required. He 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 petitioner has intentionally withheld the registration number of the vehicle in which

he came at the site alongwith his co-accused. They further submit that in such a situation, custodial interrogation of the petitioner would be required for knowing the particulars and whereabouts of the vehicle in question. 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 in the given fact situation of the present case, petitioner has been found entitled for the concession of pre-arrest bail. It is so said, because there is no allegation against the petitioner that he has tried to misuse the concession of interim protection granted to him by this Court. Further, it is also a matter of record that report under Section 173 (2) Cr.P.C. has already been presented against co-accused of the petitioner. In this view of the matter, custodial interrogation of the petitioner would not be required.

In view of the above and without commenting anything on the merits of the case, lest it should prejudice the rights of either of the parties, instant petition is allowed and the order dated 14.10.2015 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**

30.11.2015  
AK Sharma