

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

**Criminal Misc. No. M-35413 of 2015
Date of Decision: 30.11.2015**

Amritpal Singh alias Avtar Singh and another

--Petitioners.

Vs.

State of Punjab

--Respondent.

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

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

Mr. Daljit Singh Virk, AAG, Punjab.

Mr. Arshdeep Singh Brar, Advocate
for the complainant.

RAMESHWAR SINGH MALIK J. (ORAL)

Petitioners seek 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 petitioners submits that challan has already been presented qua co-accused of the petitioners and in this view of the matter, custodial interrogation of the petitioners 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 petitioners have intentionally withheld the registration number of the vehicle in which

they came at the site alongwith their 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, petitioners have been found entitled for the concession of pre-arrest bail. It is so said, because there is no allegation against the petitioners that they have tried to misuse the concession of interim protection granted to them 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 petitioners. In this view of the matter, custodial interrogation of the petitioners 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