

**IN THE HIGH COURT FOR THE STATES OF PUNJAB
AND HARYANA AT CHANDIGARH.**

TAPINDER SINGH MANN
20/05/2016 17:00

Cr. Misc. M 10033 of 2016
Date of decision: 12.5.2016

Kapil Dev

Petitioner

vs.

State of Haryana

Respondent

Present: Mr. CM Munjal, Advocate.
Mr. CS Bakhshi, Addl.A.G. Haryana

M.M.S.BEDI,J.

In Panchayat elections certain anti social elements had allegedly fired. In a case of no injury, the petitioner has been involved in the case on the allegation that he had supplied the arms and ammunition to his co-accused, who has fired.

The petition has been opposed inter alia on the ground that the petitioner is involved in two other cases under the Arms Act, registered at P.S. Sirsa and P.S. Guruharsahai. So far as the present case is concerned, the petitioner has joined the investigation. Recoveries have already been effected. The investigation regarding the origin of the weapons, can always be taken by the investigating agency without arresting the petitioner. The common intention of the petitioner in the case will certainly be a debatable issue, on the basis of the nature of the allegations against him.

The petition is allowed. Interim order dated 21.3.2016 is hereby made absolute and it is ordered that in case of arrest of the petitioner, he will be released on bail to the satisfaction of the arresting officer subject to the condition that the petitioner will join the investigation as and when required by the police and will not tamper with evidence or hamper the investigation. The petitioner will make available any record pertaining to the supply / sale of the arms and ammunition. The petitioner will not commit the similar offence, of which he is accused of, during trial. In case of violation of any of the above said conditions, it will be open to the prosecution agency to seek cancellation of bail.

May 12 ,2016
TSM

(M.M.S.BEDI)
JUDGE

