

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

Criminal Misc.No.M-13696 of 2016

Date of Decision: August 01, 2016

Yalwinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr.Vikas Gupta, Advocate, for the petitioner.
Mr.Sidakmeet Singh Sidhu, AAG, Punjab.

JASPAL SINGH, J.(Oral)

This is a petition preferred by the petitioner under Section 438, Cr.P.C., seeking pre-arrest bail in case FIR No.38 dated 24.03.2016, under Section 25 of the Arms Act, registered at Police Station, Bhikhiwind, District Tarn Taran.

While issuing notice of motion, following order was passed by a coordinate Bench of this Court on 25th April, 2016:-

“ The present petition has been filed under Section 438, Cr.P.C., seeking concession of anticipatory bail to the petitioner in case FIR No.38, dated 24.03.2016, under Sections 25/54/39 of the Arms Act, registered at Police Station, Bhikhiwind, District Tarn Taran.

Counsel would submit that FIR was registered on the basis of secret information and a raid having been conducted and in which an alleged recovery of one 12 bore gun, 8 live cartridges of 12 bore, 12 cartridges of 7.65 MM and 17 live cartridges of .303 were effected. It is contended that the petitioner was not apprehended on the spot and no

recovery has been effected from him. It is also the categorical assertion made by the counsel that the petitioner has clean antecedents and is not involved in any other previous FIR under the Arms Act.

Notice of motion, returnable for 01.08.2016.

In the meanwhile, petitioner is directed to appear before Investigating Officer and to join investigation.

In the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting/Investigating Officer. The petitioner shall join investigation as and when called upon to do so and he shall remain bound by the conditions envisaged under Section 438(2), Cr.P.C.”

Learned counsel for the State, on instructions from ASI Gurvail Singh, has submitted that in compliance of the order dated April 25, 2016, the petitioner has already joined the investigation and no further custodial interrogation is required.

This Court is of the considered view that no further custodial interrogation is required.

Taking into consideration the above facts of the case, the present petition is allowed.

Interim order April 25, 2016, is made absolute, subject to the considerations, as envisaged under Section 438(2), Cr.P.C.

August 01, 2016

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(JASPAL SINGH)

JUDGE

Whether Reasoned/Speaking Yes/No

Whether Reportable Yes/No