

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-22899 of 2016
DECIDED ON: October 21, 2016

DILBAGH SINGH AND ANOTHERPETITIONERS..

VERSUS

STATE OF PUNJABRESPONDENT..

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. APS Deol, Sr. Advocate with
Mr. H.S. Brar, Advocate,
for the petitioners.

Mr. J.S. Sekhon, AAG, Punjab.

Ms. Isha Goyal, Advocate,
for the complainant.

JASPAL SINGH, J (ORAL)

By virtue of instant petition preferred under Section 438 of the Code of Criminal Procedure, petitioners have sought pre-arrest bail, feeling apprehension of their arrest, in case bearing FIR No.33, dated 30.05.2016, under Sections 307, 148, 149 IPC and Section 25/27 of the Arms Act, Police Station Sarhali, District Tarn Taran.

2. At the very outset of the arguments, it has been submitted by learned State counsel on instructions from SI Kabal Singh that though, the petitioners have joined the investigation in compliance of order dated 20.09.2016 passed by this Court, yet, Dilbagh Singh-petitioner No.1, who is alleged to have fired from pistol has not got the said fire arm recovered.

3. Learned counsel for the petitioners has categorically stated that though Dilbagh Singh-petitioner No.1 is a holder of Arms Licence but he is not possessing any pistol. He further states that licensed gun has already been deposited with the Arms and Ammunition Dealer on 18.10.2016.

4. Learned counsel for the petitioners further states that an effort was made to hand over the Scorpio car and pistol to the investigating officer but he did not accept it and ultimately, an application was moved to Senior Superintendent of Police, Amritsar in this regard.

5. Taking into consideration the aforesaid aspects of the case but without expressing any opinion on the merits, the petition is allowed and order dated 20.09.2016 is made absolute and shall enure during the pendency of trial but subject to the conditions provided under Section 438 (2) Cr.P.C.

October 21, 2016
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(JASPAL SINGH)
JUDGE

Whether speaking/reasoned: *Yes/No*

Whether reportable: *Yes/No*