

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

Sr. No. 291

CRM-M-26598-2016

Date of Decision : 05.09.2016

YADWINDER SINGH @ TALI

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr.Bikramjeet Singh Jatana, Advocate
for the petitioner.

Mr. Ashish Sanghi, DAG, Punjab

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AJAY TEWARI, J. (Oral)

This is a petition for grant of anticipatory bail to the petitioner under Section 438 Cr.P.C. in case FIR No.74 dated 04.07.2016 registered under Sections 399/402 IPC, 25 Arms Act and 22 of NDPS Act at P.S. Bhikhi, District Mansa.

As per the allegations, the police received secret information that the petitioner alongwith six persons were sitting in a cremation ground and

habitual of using intoxicant drugs and were planning to commit dacoity in a petrol pump. That place was raided and those persons were arrested with one 12 bore gun and 32 bore pistol and from the vehicle 600 intoxicating tablets were also recovered. The vehicle belongs to the mother of the person who was arrested with the 12 bore gun.

Learned counsel for the petitioner has argued that the petitioner was not arrested from the spot.

Learned DAG, Haryana on instructions from ASI Gurtej Singh has accepted these factual assertions.

Keeping in view the nature of the allegation, and the argument that petitioner not having been arrested from the spot and that custodial interrogation of the petitioner is not required and if required he would join the investigation the balance lies in the favour of the petitioner.

In the circumstances, without commenting upon the merits of the case I do not deem it appropriate to dismiss the petition. Resultantly, the petition is allowed. The petitioner is directed to appear before the

Investigating Officer on 13.09.2016 or any other date as and when his presence is required. In the event of arrest of the petitioner, he will be released on anticipatory bail to the satisfaction of the Investigating Officer subject to the conditions envisaged under Section 438(2) Cr.P.C.

September 05, 2016
anuradha

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned **Yes/No**

Whether reportable **Yes/No**