

Sr. No. 204

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM No. M- 29116 of 2015
Date of Decision: 04.02.2016

Bhupinder Singh

...Petitioner

Versus

State of Punjab

... Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. H.S.Maan, Advocate,
for the petitioner.

Mr. D.S.Virk, AAG, Punjab.

Mr. Deepak Aggarwal, Advocate,
for the complainant.

TEJINDER SINGH DHINDSA. J (ORAL)

CRM No. 510 of 2016

Allowed as prayed for.

CRM No. M-29116 of 2015

An affidavit dated 02.02.2016 of the Deputy Superintendent of Police, Sub Division Maur Mandi, District Bathinda, has been filed in Court today and the same is taken on record.

This order shall dispose of the instant petition filed under Section 438 Cr.P.C. seeking concession of anticipatory bail to the present petitioner in case FIR No.45 dated 29.06.2015 under Sections 307/323/148/149 of Indian Penal Code and Section 427 of IPC added later on and Sections 25,27,54,59 of Arms Act, registered

at Police Station Sadar Rampura, District Bathinda.

On 28.11.2015, the following order was passed by this Court:

“The learned counsel for the petitioner refers to the MLR and X-ray report wherein the doctor has opined that the injury No.1 vide MLR No. HK/RMP/68/2015 dated 28.06.2015 is not a fire arm injury and states that this was the solitary injury.

The petitioner is directed to join the investigation and shall appear before the Investigating Officer on 03.12.2015 at 10 AM, in the concerned Police Station.

Meanwhile, in the event of arrest of the petitioner by the Arresting Officer, he shall be released on interim bail subject to the following conditions:-

1.That he shall make himself available for interrogation by a police officer as and when required;

2.That he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer and;

3.That he shall not leave India without prior permission of the Court.

List again on 17.12.2015.”

Learned State counsel upon instructions from ASI Jagir Singh, Police Station Sadar Rampura, Bathinda would apprise the Court that the petitioner has since joined investigation. Further states that even a double barren gun which was a licensed weapon had been recovered.

It has also gone uncontroverted that during the course of

investigation, Section 307 IPC along with Sections 25 and 27 of Arms Act have been deleted whereas Section 336 IPC has been added.

On a specific query having been put to the counsel for the complainant, it has been conceded that no representation was filed against the alteration carried out in the FIR. Even the opinion given by the doctor concerned, namely, Dr. Harjot Kaur has been brought to the notice of this Court in which it has been clearly noticed that the injury in question suffered by Jagtar Singh was not a fire-arm injury.

In view of the above, petitioner is held entitled to the concession of the anticipatory bail. Petition is allowed. Order dated 28.11.2015, passed by this Court, is made absolute.

Disposed of.

04.02.2016

vandana

**(TEJINDER SINGH DHINDSA)
JUDGE**