

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-42192 of 2016
DECIDED ON: December 13, 2016

BALJINDER SINGH @ BILLA

.....PETITIONER..

VERSUS

STATE OF PUNJAB

....RESPONDENT..

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. H.S. Brar, Advocate,
for the petitioner.

Mr. Gurinderjit Singh, DAG, Punjab.

JASPAL SINGH, J.

By virtue of instant petition preferred under Section 438 of the Code of Criminal Procedure, petitioner has sought pre-arrest bail, feeling apprehension of his arrest, pertaining to FIR No.113, dated 30.12.2015, under Sections 307, 364, 365, 148, 149, 120-B IPC and Section 25 of the Arms Act, Police Station Kiratpur Sahib, District Rupnagar.

2. Undisputably, no specific role has been attributed to the petitioner. He is alleged to have accompanied his co-accused Parminder Singh @ Pinder, who is stated to have fired a shot from his pistol. Similarly, there is no overt-act ascribed to the petitioner. Moreover, Parminder Singh @ Pinder, against whom some allegations are there, was arrested by the police and is cooling his heels behind the bars. Otherwise also, challan against 6 persons i.e. the co-accused of the petitioner has already been presented in the Court.

3. It has been pointed out by learned State counsel that petitioner could not be arrested in this case, though his name was appearing in the FIR, the challan was not presented against him.

4. In view of the facts and circumstances narrated above, this Court is of the considered view that case is made out to exercise the discretion under Section 438 Cr.P.C. Accordingly, petition is allowed and petitioner is directed to join the investigation on 19.12.2016 at 11:00 A.M. In the event of arrest, petitioner shall be released on pre-arrest bail at the satisfaction of the Arresting Officer/Investigating Officer subject to the following conditions, as envisaged under Section 438(2) Cr.P.C:-

(i) that the petitioner shall make himself available for interrogation by a police officer as and when required;

(ii) that the petitioner 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;

(iii) that the petitioner shall not leave India without the previous permission of the Court.

5. However, it is made clear that in case, there is non-compliance of terms and conditions referred to above, the prosecution shall be at liberty to approach this Court for the cancellation of bail.

December 13, 2016
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(JASPAL SINGH)
JUDGE

Whether speaking/reasoned: *Yes/No*

Whether reportable: *Yes/No*