

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

(206)

CRM-M-6979-2016

Decided on: April 26, 2016.

Baba Bohdi @ Munni @ Nirmal Singh and another

.... Petitioners

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. Mohinder Kumar, Advocate, for the petitioners.

Ms. Simsi Dhir Malhotra, DAG, Punjab.

M.M.S. BEDI, J (ORAL)

Petitioners seek concession of pre-arrest bail in a case registered on the basis of secret information received by ASI Jagbant Singh, Police Station Tarn Taran to the effect that the petitioners along with others had constituted a gang which indulges in committing dacoity by showing weapons like pistol and 'dadar'. A raid having been conducted, eight persons were arrested whereas the petitioners allegedly escaped.

Since the petitioners were not arrested from the spot, it will be debatable whether they could be said to have assembled to make plan for committing dacoity.

Pursuant to the interim order passed by this Court, the petitioners have joined investigation, as per the instructions of ASI Jagbant Singh imparted to the State counsel. Since no recovery has been effected from the petitioner and they were not arrested from the spot, their identity and participation will certainly be a debatable issue during course of trial.

Petition is allowed. It is ordered that in case of arrest of petitioners, they will be released on bail to the satisfaction of the arresting officer subject to the conditions that they will join investigation as and when required and will not tamper with the evidence or hamper the investigation in any manner and will also not indulge in similar activity of which they are accused of, during pendency of the trial.

(M.M.S. BEDI)
JUDGE

April 26, 2016
harsha