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

CRM-M No.14312 of 2017

Date of Decision: 18.05.2017

HARINDER @ BHOLA & ORS

.....Petitioners

Vs

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. S.K. Tripathi, Advocate
for the petitioners.

Mr. P.P. Chahar, D.A.G., Haryana.

Mr. Amit Parashar, Advocate
for the complainant.

RAJ MOHAN SINGH, J.(Oral)

On 27.04.2017, following order was passed by this
Court:-

“Learned counsel for the petitioners contends that initially, FIR was registered for the bailable offence. After seven days of the occurrence, offence under Section 25 of the Arms Act was added, thereby making the offence to be non-bailable.

Notice of motion for 18.05.2017.

In the meanwhile, petitioners are directed to appear before the SHO/Investigating Officer to join investigation on 04.05.2017 and in the event of their arrest, they shall be enlarged on ad interim bail, subject to the

satisfaction of Arresting Officer. However, petitioners shall abide by the conditions incorporated under Section 438(2) Cr.P.C.”

As per recital of the FIR, the occurrence took place on 29.03.2017 for which Nakal Rapat DD No.19 dated 29.03.2017 was recorded in the police station. The FIR came to be registered on 31.03.2017 and there was no offence in terms of Section 25 of the Arms Act mentioned therein. Police proceedings recorded at the end of the FIR has the recital of seeing the CCTV footage, still offence under Section 25 of the Act was incorporated on 05.04.2017.

In view of above, interim order dated 27.04.2017 is made absolute. However, petitioners are directed to join investigation as and when called upon to do so by the Investigating Agency and they shall abide by the conditions as envisaged under Section 438(2) Cr.P.C..

It is made clear that, in case, petitioners do not co-operate in the investigation, the police would be at liberty to file cancellation of the bail in accordance with law.

Petition stands disposed of.

May 18, 2017

Atik

**(RAJ MOHAN SINGH)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No