

Sr. No.202

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM No. M-18526 of 2016 (O&M)

Date of Decision: 15.02.2017

Prem Singh

... Petitioner

Versus

State of Punjab

... Respondent

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

Present:- Mr. K.S.Brar, Advocate for
Mr. S.P.S.Sidhu, Advocate,
for the petitioner.

Mr. Varun Sharma, AAG, Punjab.

Mr. Arjun veer Sharma, Advocate for
Mr. Naveen Sharma, Advocate,
for the complainant.

TEJINDER SINGH DHINDSA, J.(ORAL)

This order shall dispose of the present petition filed under Section 438 Cr.P.C. seeking concession of pre-arrest bail to the petitioner in case FIR No.80 dated 02.08.2015, under Sections 324, 148 and 149 (Section 326 added later on) of the Indian Penal Code and Sections 25/27/54/59 of the Arms Act, registered at Police Station Badhni Kalan, District Moga.

While issuing notice of motion, the following order was passed by this Court on 26.05.2016:-

“Petitioner is alleged to have waylaid the complainant Pardeep who is a Salesman in a Cooperative Society and got him assaulted by other members of unlawful assembly.

So far as the petitioner is concerned, he is

attributed role of having pointed a pistol on complainant Pardeep.

Counsel for the petitioner claims that the petitioner is 70 years old person and has been involved in the case by Pardeep with a mala fide intention as the petitioner had complained against the complainant to the Assistant Registrar Cooperative Society, Moga, alleging misappropriation of the funds and that the complainant is facing proceedings on the basis of said complaint before the the Assistant Registrar Cooperative Society, Moga.

Notice to the Advocate General, Punjab, for 13.7.2016.

Meanwhile, an interim direction is issued that the petitioner will join investigation on or before 11.6.2016. In case of petitioner doing so, he shall be released on interim bail to the satisfaction of the arresting officer.

Nothing said in this order will prevent the investigating agency to effect recoveries in accordance with law.”

During the course of arguments, it has gone uncontroverted that the petitioner has since joined investigation.

That apart a reference may be made to an affidavit dated 12.12.2016 of the Senior Superintendent of Police, Moga, District Moga which has been filed by way of response to the instant petition and in which it has been deposed that during the course of investigation no offence has come forth against the petitioner and he has been declared as innocent.

Under such circumstances, prayer made in the petition is accepted.

Petition is disposed of in terms of making order dated 26.05.2016, passed by this Court, as made absolute.

Disposed of.

15.02.2017

vandana

(TEJINDER SINGH DHINDSA)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	No