

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

**Crl. Misc. No.M-21293 of 2017 (O&M)
Date of Decision: September 15, 2017**

Avtar Singh and others

.....PETITIONER(s).

VERSUS

State of Punjab

....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Gaurav Kalsi, Advocate for
Mr. H.S. Batth, Advocate
for the petitioner (s).

Mr. Luvinder Sofat, A.A.G. Punjab.

Mr. V.K. Sandhir, Advocate
for the complainant.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 438 Code of Criminal Procedure for grant of anticipatory bail to the petitioners in case FIR No.59 dated 16.05.2017 registered for the offences punishable under Sections 434, 295-A, 323, 336, 506, 148 read with Section 149 of Indian Penal Code, 25 and 27 of Arms Act, at Police Station Raja Sansi, District Amritsar Rural.

Heard.

Learned State counsel on instructions from ASI Rajbir Singh submits that petitioners have joined the investigation but are not cooperating and when he was asked to elaborate his submission, he submits that petitioners No.2 and 3 have been directed to hand over the weapons, they allegedly used at the time of occurrence but have not handed over that

weapons to the police.

Learned counsel for the petitioners submits that petitioners have been falsely implicated and they have not used any weapons in the occurrence and cannot surrender any weapon simply on the asking of the complainant.

It is a case where no injury was allegedly caused with the fire-arm. The allegation levelled by the complainant shall be subject to scrutiny by the trial Court during trial.

In view of the above facts but without expressing any opinion on the merits of the case, this petition is allowed and the order dated 13.06.2017 is made absolute till the presentation of challan, subject to the following terms:-

- (i) that the petitioners shall make themselves available for interrogation by the police as and when required;
- (ii) that the petitioners shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the accusation against them so as to dissuade him from disclosing such facts to the Court or to any police officer;
- (iii) that the petitioners shall not leave India without the prior permission of the Court.
- (iv) that the petitioners will seek regular bail on the presentation of challan in Court, which the trial Court will decide on the basis of evidence collected during investigation.

September 15, 2017
Sachin M.

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No