

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Sr. No. 202

Case No. : Crl. Misc. No. M-41937 of 2016

Date of Decision : March 16, 2017

Naresh Gautam		Petitioner
vs.		
State of Punjab		Respondent

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL.

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Present : Mr. L. M. Gulati, Advocate
for the petitioner.

Mr. Neeraj Yadav, AAG, Punjab.

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DEEPAK SIBAL, J. :

Through this petition filed under Section 438 Cr.P.C., the petitioner seeks the grant of anticipatory bail in FIR No. 179 dated 03.10.2016, registered under Sections 323, 336, 506, 148, 149 IPC and Sections 25, 54, 59 of the Arms Act, at Police Station "C" Division Amritsar, District Amritsar.

While issuing notice of motion on 23.11.2016, this Court had granted ad-interim anticipatory bail to the petitioner, subject to his joining investigation and conditions envisaged under Section 438(2) Cr.P.C.

Seeking anticipatory bail for the petitioner, learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case on account of rivalry between two labour unions; there is no other criminal case pending against the petitioner and that under interim orders of this Court, the petitioner has repeatedly joined investigation.

Learned State counsel opposes the grant of bail on the ground that there is an allegation against the petitioner that he fired in the air.

The fact, whether the petitioner did or did not fire in the air, would be decided during the course of trial. It is not disputed that under the interim orders of this Court, the petitioner has repeatedly and dutifully joined the investigation and that there is no other criminal case pending against the petitioner.

In view of the above, the petition is allowed and order dated 23.11.2016 granting ad-interim anticipatory bail to the petitioner is made absolute subject to the conditions prescribed under Section 438(2) Cr.P.C.

Nothing observed herein above shall be considered to be an expression of opinion by this court on the merits of the case.

If the petitioner is found indulging in any other criminal act or misusing the concession of bail granted by this Court, it would be open to the State to seek cancellation of bail granted through this order by filing an appropriate application before the competent Court/this Court.

(DEEPAK SIBAL)
JUDGE

March 16, 2017
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<i>Whether speaking/reasoned ?</i>	<i>Yes/No.</i>
<i>Whether reportable ?</i>	<i>Yes/No.</i>