

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-43510 of 2016 (O&M)

Date of Decision: 22.02.2017

Balwinder Singh

--Petitioner

Versus

State of Punjab

--Respondent

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

Present:- Mr. Munish Raj Chaudhary, Advocate for the petitioner.

Ms. Harpreet K. Athwal, D.A.G., Punjab.

TEJINDER SINGH DHINDSA.J

This order shall dispose of the present petition filed under Section 438 Cr.P.C praying for the grant of anticipatory bail to the petitioner in case F.I.R. No.98 dated 22.11.2016 under section 307 I.P.C and sections 27, 54, 59 of Arms Act, registered at Police Station, Tallewal, District Barnala.

On 5.12.2016, while issuing notice of motion, the following order was passed by this Court:-

“Learned counsel for the petitioner states that though there is allegation that the petitioner has fired shot from the pistol with an intention to kill the complainant, but the fired shot did not cause any injury to the complainant and hit the main gate only.

Notice of motion for 22.02.2017.

In the meantime, in the event of arrest of the petitioner, he shall be released on ad-interim bail to the satisfaction of the arresting officer. However, the petitioner shall join the investigation as and when directed by the investigating agency and shall abide by the terms and conditions laid down under Section 438(2) Cr.P.C.”

Learned State counsel upon instructions from H.C Baldev Singh would apprise the Court that the petitioner has since joined investigation and even recovery of the vehicle as also the fire arm has been effected from the petitioner.

However, learned State counsel would oppose the present petition by contending that the petitioner does not have clean antecedents as he is involved in three other FIRs.

Be that as it may, it has gone uncontroverted that in two of the other matters petitioner has already been granted regular bail and in one matter he has already earned acquittal from the Trial Court.

In the considered view of this Court, custodial interrogation of the petitioner, as such, would not be warranted. Accordingly, the present petition is allowed. The order dated 5.12.2016, passed by this Court, is made absolute.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

22.02.2017

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Whether speaking/reasoned: Yes
Whether Reportable: No