

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

**Criminal Misc. No. M-251-2018
Date of Decision: 06.07.2018**

Jagroop Singh and another

.. Petitioners

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Gagandeep Singh Sirphikhi, Advocate for the petitioners.
Mr. Ramandeep Singh, Sr. DAG, Punjab.

...

Inderjit Singh, J.

Petitioners-Jagroop Singh and Sukhjinder Singh @ Sukhwinder Singh @ Seema have filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.167 dated 16.08.2017, registered at Police Station Beas, Police District Amritsar Rural, under Sections 21 and 22 of the NDPS Act, 1985 and Sections 379-B, 379 and 34 of Indian Penal Code and Sections 25 and 27 of the Arms Act, 1959.

Notice of motion was issued in this case.

Learned State counsel has appeared on behalf of the respondent-State and contested this petition.

I have heard learned counsel for the petitioners as well as learned State counsel and have gone through the record.

From the record, I find that in the present case, FIR has been registered on the basis of secret information that the present petitioners along with co-accused Ravi is having one motorcycle and .12 bore gun and they used to commit theft and snatching and there is possibility of doing some crime by them. It is also stated in the FIR that they might have arms,

intoxicant substance and the stolen vehicle can be recovered from them. They can be apprehended, if raid is conducted.

At the time of arguments, learned counsel for the petitioners stated that the petitioners have one licensed gun and earlier, no FIR has ever been registered against them.

From the facts and circumstances, it is found that the FIR has been registered only on the basis of suspicion and the petitioners have never committed any offence earlier.

Moreover, in pursuance of the interim order dated 10.01.2018 passed by this Court, the petitioners have already joined the investigation. He is not required for custodial interrogation. No useful purpose would be served by sending the petitioners to custody.

Keeping in view the facts and circumstances of the present case; without discussing the facts of the case in minute details and without expressing any opinion on the merits of the case, I find merit in this petition and the same is allowed. The order dated 10.01.2018, granting interim bail to the petitioners, is made absolute. However, the petitioners shall join the investigation as and when called upon to do so and shall abide by the conditions of Section 438 (2) Cr.P.C.

06.07.2018
Jasmine Kaur

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No