

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

**CRM-M No.29766 of 2018
Decided on: 12.11.2018**

Avtar Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Gaurav Chopra, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

Mr. M.S. Batth, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of anticipatory bail in FIR No.0012 dated 05.02.2018, registered under Sections 307 read with Section 34 IPC and 25 of the Arms Act (Sections 54 and 59 deleted by the I.O.) at Police Station Jhabal, District Tarn Taran.

The operative part of the order dated 20.07.2018, vide which interim anticipatory bail has been granted to the petitioner, is reproduced as under:-

“...Learned counsel for the petitioner submits that with regard to the same incident, even the petitioner has got recorded a cross-version case on the very next date i.e. 06.02.2018 with similar allegations. Counsel for the petitioner further submits that as per allegations in the FIR, the incident took place in presence of a govt. official/SDO, however, statement of this official was never

recorded.

Learned State counsel, on instructions from ASI Jasbir Singh, submits that the cross-version registered by the petitioner has been cancelled, however, it is not disputed that no statement of SHO/Govt. official, in whose presence, both the parties are alleging that the incident has taken place, was ever recorded by the Investigating Officer. It is further submitted that the petitioner is required for investigation, as weapon of offence is yet to be recovered.

In reply, learned counsel for the petitioner has submitted that the petitioner is ready to surrender his licensed weapon during the course of investigation. It is further submitted that the petitioner has moved an application to the higher officials and an SIT has already been constituted, which is investigating the matter.

List again on 09.11.2018....”

Counsel for the petitioner has submitted that, in pursuance to the order dated 20.07.2018, the petitioner has joined the investigation and has also handed over his licensed weapon to the Investigating Officer. It is further submitted that the interim anticipatory bail granted to co-accused of the petitioner namely Daljit Singh, has already been confirmed by this Court vide order dated 09.11.2018 passed in CRM-M No.36822 of 2018.

Counsel for the State, on instructions from SI Kuldeep Rai assisted with counsel for the complainant, has not disputed the aforesaid fact and submits that the petitioner is no more required for further investigation.

In view of the above, this petition is allowed and the interim bail granted to the petitioner vide order dated 20.07.2018 is

CRM-M No.29766 of 20183

made absolute subject to the conditions envisaged under Section 438(2)

Cr.P.C.

(ARVIND SINGH SANGWAN)

JUDGE

12.11.2018

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Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No