

CRM-M-46732-2018

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

CRM-M-46732-2018

Date of Decision:22.11.2018

Baljit Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Sant Pal Singh Sidhu, Advocate,
for the petitioner.

Mr. Pawan Sharda, Sr. DAG, Punjab.

Mr. Karandeep Singh Sidhu, Advocate,
for the complainant.

INDERJIT SINGH, J.(Oral)

Petitioner has filed this petition under Section 438 of the Code of Criminal Procedure, 1973 (for brevity, 'Cr.P.C.') for grant of anticipatory bail in case FIR No.108 dated 29.09.2018, registered at Police Station Mamdot, District Ferozepur, under Sections 427, 307, 148 and 149 of the 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 put in appearance on behalf of the respondent-State and complainant has also appeared through his counsel. They contested this petition.

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

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From the record, I find that FIR, in the present case, has been got registered by one Naseeb Singh. It is a case of no injury. As per the prosecution version, the present petitioner, Baljit Singh and one Shalinder Singh alongwith 50/60 unidentified persons were present at the gate of school. As per the allegations, co-accused Shalinder Singh fired shots from his gun, but the same did not hit anybody. Qua the present petitioner, it is stated that he was armed with pistol, but he did not fire from the same. The only allegation against the present petitioner is that he threw a brick bat due to which vehicle of the complainant got damaged.

In pursuance of the interim order dated 23.10.2018 passed by this Court, the petitioner has already joined the investigation. He is not required for custodial interrogation. Therefore, no useful purpose will be served by sending him 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 23.10.2018, granting interim bail to the petitioner, is made absolute. However, the petitioner 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.

22.11.2018

parveen kumar

(INDERJIT SINGH)
JUDGE

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