

In the High Court of Punjab and Haryana at Chandigarh

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CRM-M-48880-2018 (O & M)

Date of Decision: 01.05.2019

AJAY

.....PETITIONER

VERSUS

STATE OF HARYANA

....RESPONDENT

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr.Abhishek Singh, Advocate for the petitioner.

Ms. Tanisha Peshawaria, DAG, Haryana.

ANUPINDER SINGH GREWAL, J (ORAL)

The petitioner is seeking anticipatory bail in FIR No.123 dated 27.03.2018, under Sections 148, 149, 307, 427 and 506 IPC and Section 25 of the Arms Act, registered at Police Station Hodal, District Palwal.

Learned counsel for the petitioner contends that the petitioner is not named in the FIR but has been arraigned as an accused on the disclosure statement of Kirshan that he had obtained the country made pistol from the petitioner. Even Krishan was not named in the FIR but he was arrayed as an accused on the disclosure statement of Sumit, who was named in the FIR. He further contends that the petitioner is 21 years old and a college student. He also contends that the petitioner is not involved in any other case. He further contends that co-accused Sumit, who was named in the FIR, has been granted regular bail by the coordinate Bench of this Court in CRM-M-39622-2018 on 17.09.2018.

A coordinate Bench of this Court, by the order dated 17.12.2018, had directed the petitioner to appear before the Investigating Officer and join the investigation and in the event of his arrest, he was ordered to be released on ad-interim bail to the satisfaction of the Investigating/Arresting Officer, subject to the conditions envisaged under Section 438(2) Cr.P.C.

It is recorded in the order of the coordinate Bench on 12.03.2019 that the State counsel had contended that although the petitioner had joined investigation but the recovery is yet to be effected. Thereafter one more opportunity was granted to the petitioner to join investigation on 19.03.2019 at 11.00 am and cooperate in the investigation.

Learned counsel for the petitioner contends that the petitioner has once again joined investigation on 19.03.2019 at 11.00 am.

Learned State counsel, on instructions from ASI Ashok Kumar, states that the petitioner has joined investigation but recovery of the pistol is yet to be effected.

In view of the submissions of learned counsel for the petitioner especially when the petitioner has joined investigation and co-accused has already been granted regular bail, the order dated 17.12.2018 granting interim bail to the petitioner is made absolute.

However, the petitioner shall abide by the conditions stipulated under Section 438(2) Cr.P.C. He shall also join investigation as and when called upon to do so.

The petition stands disposed of.

(ANUPINDER SINGH GREWAL)
JUDGE

May 01, 2019
A.Kaundal