

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

CRM-M-52458 of 2018
Date of Decision: 18.09.2019

SANJIV KUMAR @ BANTUPetitioner
Versus
STATE OF PUNJAB ...Respondent

CORAM:HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Ashok Saini, Advocate
for the petitioner.

Mr. Harpreet Singh Multani, AAG, Punjab.

MAHABIR SINGH SINDHU, J.(Oral)

Present petition has been filed under Section 438 Cr.P.C. seeking pre arrest bail in case FIR No. 128 dated 10.06.2018, under Sections 307 and 34 of the Indian Penal Code and Sections 25, 27, 54 and 59 of the Arms Act, 1959 (offence under Section 307 IPC deleted and offence under Section 336 IPC added vide DDR entry No. 25 dated 19.10.2018) registered at Police Station City Gurdaspur.

On 29.11.2018 while issuing notice of motion the following order was passed by this Court:

“Learned counsel for the petitioner states that initially, the FIR was registered under Section 307 read with Section 34 IPC as well as Sections 25 and 27 of the Arms Act, 1959. However, during the course of investigation, Section 307 IPC has been deleted and substituted with the offence under Section 336 IPC. Even otherwise, no injury has been caused in the case.

Notice of motion for 22.02.2019.

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.”

It is contended by learned counsel for the petitioner that in terms of the above order, petitioner has already joined investigation.

Learned State counsel on instructions from SI Kanwaljeet Singh has acknowledged the above factual position and stated that the custodial interrogation of the petitioner is no longer required in the present case.

In view of the above, order dated 29.11.2018 is made absolute subject to the provisions of Section 438(2) Cr. P.C.

Petition stands disposed off.

However, it is made clear that above observations may not be construed as an expression of opinion on the merit of the case pending before learned trial Court.

[MAHABIR SINGH SINDHU]
JUDGE

September 18, 2019

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Whether speaking/reasoned
Whether reportable?

Yes/no
Yes/no