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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-31248-2019
Date of decision-16.08.2019

Vishal

....Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Sandeep Sharma, Advocate for the petitioner.

Mr. Hittan Nehra, Addl.AG, Punjab assisted by
ASI Kulwinder Singh.

MANOJ BAJAJ, J.

Petitioner-Vishal has prayed for grant of anticipatory bail in case FIR No.70 dated 30.06.2019 under Sections 323, 336, 341, 427, 506, 160 and 148 read with Section 149 of Indian Penal Code, 1860 and Sections 25 and 27 of Arms Act, 1959 registered at Police Station Division 1, District Police Commissionerate Jalandhar.

Learned counsel for the petitioner contends that the FIR was registered on the information given by secret informer wherein it was alleged that Ishu resident of Sava Do Marle who was an auto driver had dispute with Sonu resident of Kalia colony, Jalandhar. According to him, the allegations are false as none of the aggrieved party have lodged the FIR or had given any complaint. Further, he submits that the allegations are founded on the hearsay material.

It is pointed out that all the offences are bailable except the offence under Arms Act, 1959. Learned counsel for the petitioner contends that the custodial interrogation of the petitioner may not be required who is willing to join the investigation.

On the other hand, learned State counsel assisted by ASI Kulwinder Singh has opposed the prayer, however, it is not disputed by him that the FIR was registered on the basis of secret information given by ASI Kulwinder Singh. Further, it is not disputed that there is no eye-witness of the alleged occurrence.

Considering the above background, it is ordered that in the event of arrest of the petitioner by the Arresting Officer, he shall be released on bail subject to his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. He shall join investigation as and when called for by the Investigating Officer and would abide by the conditions enshrined under Section 438(2) Cr.P.C. However, it is made clear that this order shall remain operative till the filing of the final report under Section 173 (2) Cr.P.C.

The petition is allowed.

(MANOJ BAJAJ)
JUDGE

16.08.2019

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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No