

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

CRM-M-44361-2019
Date of decision: 31.10.2019

Lakhwinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. P. S. Ahluwalia, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

Mr. B.S. Sidhu, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of anticipatory bail in FIR No. 205 dated 16.08.2019, registered under Sections 307, 506, 148, 149 of the IPC and Sections 25/27 of the Arms, Act at Police Station City Tarn Taran, District Tarn Taran.

The operative part of the order dated 23.10.2019, vide which the petitioner has been granted interim bail, is reproduced below:

“Learned counsel for the petitioner submits that the petitioner has deposited his gun with Kairon Gun House, Tarn Taran on 03.09.2018 when the Panchayat Samiti elections were going on. Learned counsel for the petitioner further submits that on an earlier complaint given by one Joginder Singh, the matter was inquired into by DSP, Sub Division Tarn Taran and during those proceedings, present complainant Gurdial Singh had made a statement with regard to the incident alleged by aforesaid Joginder Singh that the petitioner had a fight

with him and he tried to pull his beard. Learned counsel for the petitioner further submits that as per the inquiry report dated 04.07.2019, it was found that aforesaid Joginder Singh, in whose favour the complainant has appeared as witness, was unnecessarily harassing the petitioner. It is further submitted that even as per the allegations in the FIR, when the petitioner allegedly fired with his .12 bore gun, it did not hit any person. Learned State counsel, on instructions from ASI Charanjit Singh, submits that he may be granted some time to verify whether the licensed gun of the petitioner is deposited with the said gun house or not.

List again on 31.10.2019.”

Learned counsel for the petitioner submits that the petitioner, in pursuance to the order dated 23.10.2019, has already appeared before the SHO/Investigating Officer and has joined the investigation.

Learned State counsel, on instructions from ASI Charanjit Singh, has submitted that they have verified the deposit of the gun by the petitioner from Kairon Gun House, Tarn Taran, which has given a certificate that on the date of incident, the weapon was deposited with it. Learned counsel for the State, on instructions, has not disputed the fact that petitioner has joined the investigation and is no more required for any further investigation.

However, learned counsel for the complainant has raised an objection that in the said certificate, there is a cutting regarding the year and the certificate is not an authenticated certificate.

After hearing learned counsel for the parties and in view of the statement made by learned State counsel that this fact has duly been verified from Kairon Gun House, Tarn Taran that the weapon was deposited with it

at the relevant time, the present petition is allowed and the interim bail granted to the petitioner, vide order dated 23.10.2019, is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

31.10.2019
Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>