

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-12304-2020 (O&M)

Date of Decision:- 28.9.2020

Upender Panwar

... Petitioner

Versus

U.T. Chandigarh

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Lekh Raj Sharma, Advocate, for the petitioner.

Mr. Kuldeep Tiwari, APP, U.T. Chandigarh.

(Proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of anticipatory bail in a case registered vide FIR No.25, dated 13.2.2020, Police Station Manimajra, Chandigarh, under Section 336 IPC and Sections 25 and 27 of Arms Act.
2. The FIR in question was lodged at the instance of Randeep Singh wherein it has been alleged that on 12.2.2020 he went for a walk at around 9 pm in the football ground near RIMT School, Manimajra.

He suddenly heard loud noises coming from the side of car parking in front of RIMT School. Upon hearing the said noise, he went towards the car parking where he saw that several persons were quarreling with each other and suddenly one of them fired 2 shots in the air and then the said persons ran away in a white coloured Mahindra Bolero vehicle.

3. Learned counsel for the petitioner has submitted that he is nowhere named in the FIR and that even if the allegations as levelled in the FIR are taken to be correct, still it is not a case that any person had been injured.
4. Opposing the petition, the learned State counsel has submitted that during the course of investigation statements of one Shakti and one Saurabh had been recorded who had identified petitioner to be one amongst the accused and that in these circumstances the petitioner does not deserve the concession of anticipatory bail. The learned State counsel has further informed that the pistol in question is yet to be recovered and as such the investigation would be seriously hampered in case the petitioner is released on anticipatory bail. Learned State counsel has however, informed that pursuant to interim directions, the petitioner has since joined investigation.
5. I have considered rival submissions addressed before this Court. Having regard to the facts and circumstances of the case and the fact that neither any person is named in the FIR nor anybody is stated to have been injured, the custodial interrogation of the petitioner is not warranted. The petition, as such is hereby accepted and interim

directions issued vide order dated 14.5.2020 are made absolute subject to the condition that the petitioner shall appear and join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.

September 28, 2020

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**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No