

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

201)

CRM-M-18953 of 2020

Date of Decision: 28.09.2020

Darbara Singh and another

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. K.B. Raheja, Advocate, for the petitioners.
Mr. APS Gill, DAG, Punjab.

Amol Rattan Singh, J. (Oral)

All the cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the Covid-19 pandemic.

By this petition filed under the provisions of Section 438 of the Cr.P.C, the petitioners seek the concession of anticipatory bail, upon FIR no.90, dated 21.06.2020, having been registered at Police Station Kulgarhi, District Ferozepur, alleging therein the commission of offences punishable under Sections 307 and 379-B of the IPC, read with Section 34 thereof and Sections 25 and 27 of the Arms Act, 1959.

On August 18, 2020, the following order had been passed:-

“All cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the Covid-19 pandemic.

Pursuant to the order dated 16.07.2020, learned State counsel submits that though the petitioners had joined investigation on July 25 2020, however, instead of handing over the revolver alleged to have been used in the crime, petitioner no.1 has deposited it in a gun house on 23.07.2020 and

has produced the receipt of the gun house in that regard.

He further submits that the motorcycle allegedly used in the incident was recovered from the house of the father-in-law of petitioner no.2, who (allegedly) made a statement that because of the FIR registered, the motorcycle had been left at his house.

However, learned counsel for the petitioners has pointed out that on the last date of hearing the stand of the investigating agency had been that the motorcycle was recovered from the house of the petitioners, which stand has very conveniently changed thereafter, and obviously the statement recorded being one under Section 161 Cr.P.C., it is not a signed statement of the father-in-law of petitioner no.2 and therefore, is not believable.

Without making any comment on the contentions raised on merits today on either side it is, however, directed that petitioner no.1 would withdraw the revolver from the gun house and hand it over to the investigating officer immediately, for the investigating officer to take action accordingly, thereafter.

Adjourned to 28.09.2020.

Interim order to continue till the next date of hearing, subject to the aforesaid weapon being withdrawn and handed over to the investigating officer, within one week from today.”

Today Mr. APS Gill, learned DAG, Punjab, submits on instructions received from Sub-Inspector Manjinder Singh, that the petitioners have joined investigation and handed over the revolver to the investigating agency, and presently at least their custodial interrogation is not required.

In view of the above, without making any comment on the

actual merits of the case for or against the petitioners, this petition is allowed, with the order dated 16.07.2020, granting interim bail to them, made absolute on the same terms and conditions.

28.09.2020
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(AMOL RATTAN SINGH)
JUDGE

Whether reasoned/speaking: Yes
Whether reportable: No