

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

**CRM-M-19473-2020**

Date of Decision: 20.7.2020

Gurmail Singh

.....Petitioner

Versus

The State of Haryana

.....Respondent

**CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAUR**

Present: Mr. Satbir Singh Gill, Advocate, for the petitioner.

Ms. Harpreet Kaur, Addl. Advocate General, Haryana.

**NIRMALJIT KAUR, J. (Oral)**

The present petition is filed under Section 438 Cr.P.C. seeking grant of pre-arrest bail in FIR No.229 dated 17.5.2020 under Sections 285/147/149/506 of IPC 1860 and 25 of the Arms Act, Police Station Rania, District Sirsa.

Issue notice of motion.

Ms. Harpreet Kaur, Additional Advocate General, Haryana accepts notice.

It is not disputed that all the similarly situated co-accused have since been granted bail. Admittedly, Chhinder Pal @ Chhinder Singh and Jaswinder Singh were granted bail taking into account that it was a case of no injury and they were not armed with any weapon. However, co-accused Lakhvir Singh has been granted bail on account of bail granted to co-accused, namely, Chhinder Pal @ Chhinder Singh and Jaswinder Singh.

No doubt, while granting bail, the Court did not notice that Lakhvir Singh had fired a shot. However, the FIR has been registered under Sections 285, 147, 149, 506 IPC and 25 of the Arms Act. Admittedly,

Section 285 IPC is a bailable offence and Section 147 IPC is bailable and Section 149 IPC is accordingly bailable and non-bailable as per the main Section. In the present case, Section 285 IPC is admittedly bailable. Although, Section 506 IPC is non-bailable but taking into account that it is a case of no injury and firing if any is allegedly to threat, this Court finds no reason to distinguish the case of the petitioner from that of the co-accused.

In view of the same, the present petition is disposed of with a direction to the petitioner to join the investigation and on his doing so, the petitioner be released on interim bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall continue to join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

In case, the petitioner does not join the investigation or does not cooperate in the investigation, the respondent/State shall be at liberty to file an application for cancellation of his anticipatory bail.

**(NIRMALJIT KAUR)**  
**JUDGE**

**20.7.2020**  
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| Whether Speaking/Reasoned : | Yes/No |
| Whether Reportable :        | Yes/No |