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

**CRM-M No.20940 of 2020(O&M)
Date of Decision: 02.11.2020**

Makhan Singh

.....Petitioner

Vs

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present:Mr. P.S. Ahulwalia, Advocate
for the petitioner.

Mr. Amit Mehta, Sr. DAG, Punjab.

Mr. Shaurya Puri, Advocate
for the complainant.

RAJ MOHAN SINGH, J.(Oral)

The case has been taken up for hearing through video conferencing.

The petitioner seeks grant of anticipatory bail in case bearing FIR No.82 dated 07.07.2020 registered under Sections 323, 324, 341, 427, 506, 148, 149 IPC and Section 27 of the Arms Act at Police Station Pasyana, District Patiala.

On 29.07.2020, following order was passed:-

“The case has been taken up for hearing through video-conferencing.

Learned counsel for the petitioner contends that it is a case of version and cross-version. The

complainant party is accused in the cross-version under Sections 323, 427, 506, 511, 447, 34 IPC. In the FIR the only non-bailable offence is under Section 27 of the Arms Act. As per the allegations, the petitioner allegedly pointed out the pistol at the complainant and his mother and also threatened them. Learned counsel further submits that father of the petitioner has two licenced weapons i.e. .12 bore gun and a pistol. Both the weapons were deposited in Mata Mehar Gun House. .12 gun stands released and the pistol is still lying deposited with the aforesaid gun house.

Notice of motion.

At this stage, Mr. Tanvir Singh Grewal, Advocate appears on behalf of the complainant.

At the asking of Court, Mr. Rana Harjasdeep, DAG, Punjab accepts notice on behalf of the respondent.

For further consideration, list again on 8.9.2020.

Till the next date of hearing, arrest of the petitioner shall remain stayed.”

On 08.09.2020, the case was further adjourned as the police could not verify the factum of deposit of pistol in the gun house i.e. Mata Mehar Gun House, Patiala.

Today, learned State counsel on instructions from ASI Inderjit Singh submits that according to verification done by the police, the pistol was found deposited in the gun house at the relevant time. He further submits that an offence under Section

27 of the Arms Act stands deleted.

Learned counsel for the complainant however opposed the bail on the ground that as per documents available with him, the complicity of the petitioner is writ large on the face of the record. The complainant is in possession of the land and the petitioner has tried to take possession of the land in question on the gun point.

Having heard learned counsel for the parties, I am of the view that if the complainant is aggrieved by any overt-act of the petitioner, he may avail his remedies in accordance with law. Civil suit is pending between the parties before the Civil Court. In the cross-case, the complainant party is accused of the offences under Sections 323, 427, 506, 511, 447, 34 IPC.

In view of above, the present petition is allowed. Petitioner is directed to appear before the SHO/Investigating Officer to join investigation on 06.11.2020 at 11.00 AM and in the event of his arrest, he shall be released on anticipatory bail on his furnishing adequate bail bonds/surety bonds to the satisfaction of SHO/Investigating Agency subject to the following conditions as envisaged under Section 438(2) Cr.P.C:-

- i) that the petitioner shall make himself available for interrogation before the Investigating Officer as and when required;

- ii) that the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;
- iii) that the petitioner shall not leave the country, without prior permission of the Court and shall surrender his passport, if any.

(RAJ MOHAN SINGH)
JUDGE

02.11.2020

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Whether speaking/reasoned Yes/No

Whether reportable Yes/No