

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

205/2

CRM-M No. 21890 of 2020

Date of decision: 18.09.2020

Satish Kumar

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Achin Gupta, Advocate
for the petitioner.

Mr. Sidakmeet Sandhu, AAG Punjab
for respondent-State.

ARUN KUMAR TYAGI, J. (ORAL)

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

The petitioner has filed the present (first) petition under Section 438 of the Code of Criminal Procedure, 1973 (for short, 'the Cr.P.C') for grant of anticipatory bail in case FIR No.160 dated 08.09.2019 registered under Sections 25 and 27 of the Arms Act, 1959 at Police Station City Kotkapura, District Faridkot to which Section 30 of the Arms Act, 1959 has been added later on.

As per the prosecution version on 08.09.2019, Police party headed by SI Gurlal Singh was present at bus stand Kotkapura for patrolling. Secret information was received that Rohit Madaan, Ramandeep Singh, Rajat Kumar @ Saunfi and Harmanpreet Singh @ Keera armed with illegal weapons were roming in Bolero bearing registration No. PB30R-2786 and could commit any crime. FIR was registered and the above said accused persons were apprehended. On

search two live cartridges were recovered from the pocket of jeans worn by Rohit Madaan, one 12 bore rifle and two live cartridges were recovered from Harmanpreet Singh @ Keera, a 12 bore rifle and two live cartridges were recovered from Rajat Kumar @ Saunfi and two live cartridges of 12 bore gun were recovered from Ramandeep Singh. The police investigated the case and during investigation also implicated the licensees the petitioner and his co-accused Tarlok Singh.

Vide order dated 06.08.2020, while issuing notice of motion, the Coordinate Bench of this Court had granted interim anticipatory bail to the petitioner with direction to join the investigation.

The petition has been opposed by learned State Counsel. However, no written reply has been filed by the State.

I have heard learned Counsel for the petitioner and learned State Counsel and have gone through the record.

Learned counsel for the petitioner has submitted that the petitioner, his friend co-accused Tarlok Singh and other co-accused and members of their family had gone to Gurudwara Sahib in two vehicles Scorpio and Bolero. The petitioner and co-accused Tarlok Singh were travelling in Bolero in which their licensed rifles were also kept. When they were coming back tyre of Bolero was punctured, on which the petitioner and his co-accused Tarlok Singh and other members left in Scorpio and waited at nearby eating place for other co-accused Rohit Madaan, Ramandeep Singh, Rajat Kumar @ Saunfi and Harmanpreet Singh @ Keera to come in Bolero vehicle after replacing the punctured tyre. On secret information given by some passers by, the police

apprehended other co-accused persons and registered the case. The petitioner has joined the investigation. Nothing is to be recovered from him and his custodial interrogation is not required for any recovery.

Learned State counsel has vehemently opposed the petition. However, learned State Counsel has, on instructions from ASI Baldev Singh, acknowledged that in compliance with order dated 06.08.2020 passed by the Coordinate Bench of this Court, the petitioner has joined the investigation and submitted that his custodial interrogation is not required for any purpose.

In view of the facts and circumstances of the case, nature of accusation and evidence against the petitioner and also the fact that custodial interrogation of the petitioner is not required in the case but without expressing any opinion on the merits of the case, I am of the considered view that the petitioner deserves grant of anticipatory bail.

In view of the above, the petition is allowed and order dated 06.08.2020 granting interim bail to the petitioner is made absolute. However, the petitioner shall join the investigation again if and as and when called upon to do so and shall abide by the conditions enumerated in Section 438 (2) of the Cr.P.C., failing which the protection of anticipatory bail order shall not be available to him.

18.09.2020

Rajeev (rvs)

**(ARUN KUMAR TYAGI)
JUDGE**

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No