

Sr.No.201

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

**CRM-M-22101-2019
Date of decision:10.01.2020**

Sandeep Singh

... Petitioner(s)

versus

State of Punjab

... Respondent (s)

Coram: Hon'ble Mr. Justice Jasgurpreet Singh Puri

Present: Mr. Atul Goyal, Advocate
for the petitioner.

Mr. M.S.Nagra, AAG, Punjab.

Jasgurpreet Singh Puri, J.(Oral)

Learned counsel for the petitioner has submitted that even as per the FIR only role attributable to the petitioner is that he had fired gun shot. However, perusal of the MLR, it transpires that injury caused to two persons is by way of sharp edged weapon. He has further submitted that it was a family function where the petitioner was not even present and he was never carrying any kind of weapon.

On 15.05.2019, notice of motion was issued and interim bail was granted to the petitioner.

Learned counsel for the petitioner has further submitted that he has joined the investigation and fully co-operated with the Investigation process.

Learned State counsel on instructions from HC Dukhdev Singh has submitted that petitioner has joined the investigation but he is not fully co-operating because some vehicles which have been used are yet to be recovered. Learned State counsel further submitted that the injury

is by way of sharp edged weapon and not through gun shot. In view of the seriousness of the offence, petitioner is not entitled for the concession of anticipatory bail.

After hearing the learned counsel for the petitioner and perusal of the FIR, the role attributed to the petitioner was that he had fired a gun shot. Admittedly in the MLR, the injury was through sharp edged weapon and the petitioner has already joined the investigation process. The fact that the petitioner is not co-operating with the investigation process is also to be considered.

At this stage learned counsel for the petitioner has categorically submitted on instructions of the petitioner that he will co-operate with the investigation process and will abide by the conditions contained under Section 438(2) Cr.P.C, therefore, makes a specific undertaking in this regard.

In view of totality of the circumstances, present petition is allowed. Order dated 15.05.2019 is hereby made absolute.

However, it is made clear that in view of the undertaking given by the petitioner that he will co-operate with the investigation process, in case he does not do so then State will be at liberty to file appropriate application in this regard.

10th January, 2020

Shivani Kaushik

[JASGURPREET SINGH PURI]

JUDGE

Whether speaking/reasoned *Yes/No*

Whether Reportable *Yes/No*