

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

208

CRM-M-97-2020

Date of decision: 17.02.2020

Roop Singh and others

.....Petitioners

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Amaninder Singh Sekhon, Advocate
for the petitioner.

Mr. Sandeep Singh Deol, D.A.G. Punjab
for the respondent-State.

ARUN KUMAR TYAGI, J (ORAL)

The petitioners have filed present petition under Section 438 of the Code of Criminal Procedure, 1973 (for short, "Cr.P.C") for grant of anticipatory bail in case FIR No.107 dated 23.12.2019 registered under Sections 341, 323, 336, 506, 148 and 149 of the Indian Penal Code, 1860 and Sections 25 and 30 of the Arms Act, 1959 at Police Station Sadiq, District Faridkot.

While issuing notice of motion vide order dated 07.01.2020 passed by this Court, the petitioners were granted interim anticipatory bail with direction to join the investigation.

Learned State Counsel has appeared on behalf of the respondent-State and opposed the bail application.

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

Learned Counsel for the petitioners has submitted that the petitioners have been falsely implicated in the case. Offence punishable under Section 25 of the Arms Act, 1959 is attributed to the non-applicant/co-accused Maninder Singh while offence punishable under Section 30 of the Arms Act, 1959 is attributed to petitioner No.1- Roop Singh. All other offences alleged to have been committed by the petitioners are bailable. The petitioners have joined the investigation. Nothing is to be recovered from them and their custodial interrogation is not required.

On the other hand, learned Sate Counsel has submitted that in view of gravity of offences, the petitioners do not deserve grant of anticipatory bail. Therefore, the petition may be dismissed.

However, learned State counsel, on instructions from Investigating Officer, has acknowledged that in compliance with order dated 07.01.2020 passed by this Court, the petitioners have joined the investigation and admitted that their custodial interrogation is not required for effecting any recovery.

In view of the facts and circumstances of the case, nature of accusation and evidence against the petitioners, the fact that investigation and trial are likely to take long time 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 the concession of anticipatory bail.

Therefore, the petition is allowed and order dated 07.01.2020 granting interim bail to the petitioners is made absolute. However, the petitioners 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 them.

17.02.2020

Kothiyal

(ARUN KUMAR TYAGI)
JUDGE

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