

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

**CRM-M-4982-2021
DECIDED ON: 27th APRIL, 2021**

MILAP SINGH

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. Sanjiv Kumar Aggarwal, Advocate for the petitioner.

Mr. Deepak Bhardwaj, DAG, Haryana.

AVNEESH JHINGAN, J (ORAL)

The matter is taken up for hearing through video conference due to COVID-19 situation.

This petition is for anticipatory bail in FIR No. 26, dated 19th January, 2021, under Section 302 of the Indian Penal Code, 1860 and Sections 25/27 of Arms Act, 1959 registered at Police Station Ambala City, Ambala.

The FIR was registered on the complaint of Aporav son of Sanjeev Kumar. As per the FIR on 19th January, 2021, the brother of the complainant Ayan received a phone call from his friend and left the house. At 8.00 PM, his father made a phone call to Ayan and he came to know that some un-known person had shot him. Ayan was taken to Civil Hospital with the help of Sushil Kumar where he was declared as brought dead. The deceased had sustained bullet shot on the forehead near the right ear.

During the investigation, it was found that the deceased was

shot by Kanwar Singh son of the petitioner. After his arrest, during investigation a disclosure statement was made and gun-license No. 124/DM/A1/07 with three rounds was recovered. The license for the gun was in the name of the petitioner.

Learned counsel for the petitioner submits that the petitioner has no role. The only allegation is that he had not kept his licensed weapon in a safe custody, as a result, the accused took the pistol, used it, for the incident and placed it back.

Reply dated 19th April, 2021 filed through electronic media is taken on record.

As per the reply, the petitioner was negligent in storing the weapon. His son had picked up his pistol, committed the offence and placed it back. The gun stands recovered. As per the pleading, no custodial interrogation is required.

The petitioner is granted anticipatory bail subject to his joining investigation within two weeks. In the event of arrest, he shall be released on bail subject to his furnishing adequate bail bonds to the satisfaction of the investigating officer. He is directed to join investigation as and when called for. He shall abide by the conditions as envisaged under Section 438 (2) Cr.P.C.

The petition is allowed.

In case of failure of the petitioner to join the investigation, the State would be at liberty to file an application for recalling of this order.

(AVNEESH JHINGAN)
JUDGE

27th APRIL, 2021
sham

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