

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(206)

CRM-M-18858-2021

Date of Decision : August 17, 2021

Harmohinder Singh

.. Petitioner

Versus

State of Punjab

.. Respondent

(Through Video Conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Ishaan Bhardwaj, Advocate, for the petitioner.

Mr. Sandeep Kumar, Deputy Advocate General, Punjab.

Mr. Karnail Singh Ahi, Advocate, for the complainant.

HARSIMRAN SINGH SETHI J. (ORAL)

The petitioner is seeking anticipatory bail in FIR No. 0047 dated 16.04.2021 registered under Sections 323, 341, 506, 148, 149 of the Indian Penal Code, 1860 and Section 27, 54, 59 of the Arms Act, 1959 at Police Station Sadar Ropar, District Ropar.

Learned counsel for the complainant submits that the petitioner is a habitual offender and therefore, he may not be granted the benefit of anticipatory bail.

The benefit of interim bail was granted by a Coordinate Bench of this Court to the petitioner vide order dated 13.05.2021, which is as under:-

“Learned counsel for the petitioner inter alia contends that the complainant and the petitioner are closely related and there had been long pending civil dispute between the parties

with respect to the possession of the land. Learned counsel submits that perusal of the FIR clearly reveals that it was the complainant party, which came armed with lethal weapons to the backyard of the house of the petitioner and thereafter tried to inflict injuries on the petitioner's family members as a result of which the petitioner was left with no other choice but to point his armed license at the complainant party in self defence. Learned counsel still further submits that a perusal of the FIR clearly reveals that none from the complainant party received any injury at the hands of the accused including the petitioner. He further submits that even the fire arm, which he allegedly pointed out towards complainant party has since been handed over to the investigating agency.

Notice of motion for 17.08.2021.

Mr. Karnail Singh Ahi, Advocate has appeared on behalf of the complainant.

Meanwhile, the petitioner is directed to join the investigation and appear before the investigating agency as and when called upon to do so. In the event of his arrest, he shall be admitted to interim bail on his furnishing bail bonds to the satisfaction of the Arresting/Investigating Officer.”

Learned State counsel, who has also joined the proceedings through video conference, on instructions from ASI Kulwinder Singh, Police Station Sadar, Ropar, states that in terms of the order of this Court reproduced before, the petitioner has joined the investigation and has also surrendered his gun and no further interrogation is required at this stage.

Learned counsel for the petitioner undertakes that petitioner will join investigation and also cooperate with the investigating agency in case he is required for the same in future as well.

In view of the above, the order dated 13.05.2021 granting interim bail to the petitioner is made absolute.

However, the petitioner shall abide by the conditions stipulated under Section 438(2) Cr.P.C. He shall also join investigation as and when called upon to do so.

In case at any given point of time hereinafter, it is felt by the investigating agency that petitioner is required for the investigation but is not cooperating, they will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

August 17, 2021

harsha

(HARSIMRAN SINGH SETHI)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No