

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

**209**

**CRM-M-22285-2021  
Date of decision: 26.07.2021**

Avtar Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

**CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI**

Present : Mr. Inderjit Sharma, Advocate  
for the petitioner.

Mr. Rana Harjasdeep Singh, DAG, Punjab  
for the respondent-State.

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**ARUN KUMAR TYAGI, J. (ORAL)**

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

The petitioner has filed this petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail in case FIR No.0041 dated 12.04.2021 registered under Sections 148, 307, 323 and 341 read with Section 149 of the Indian Penal Code, 1860 (for short, "the IPC") and Sections 25 and 27 of the Arms Act, 1959 at Police Station Raman, District Bathinda.

Reply by way of affidavit of Gurtej Singh, PPS, Deputy Superintendent of Police, Talwandi Sabo, District Bathinda on behalf of respondent-State has been filed in the Registry of this Court which is taken on record. Copy thereof be supplied to learned Counsel for the petitioner.

Learned State Counsel has submitted that Section 307 of the IPC and Sections 25 and 27 of the Arms Act, 1959 have been

deleted and Section 325 of the IPC has been added to the case which fact has also been specifically so mentioned in the status report.

In view of the above stand of the respondent-State and learned State Counsel, as per the prosecution version offences punishable under Sections 148, 323, 325 and 341 read with Section 149 of the IPC are alleged to have been committed by the petitioner. Offences punishable under Sections 148, 323, 325 and 341 of the IPC are bailable while offence under Section 149 of the IPC travels with other offences and becomes bailable and has to be treated as bailable as other offences are bailable.

In view of the above as all the offences alleged to have been committed by the petitioner are bailable, petition for grant of anticipatory bail is not maintainable. The petitioner will be entitled to grant of bail by the Arresting/Investigating Officer as well as by the concerned Court as a matter of right.

Accordingly, the petition for grant of anticipatory bail is dismissed as being not maintainable without prejudice to filing of fresh petition for grant of anticipatory bail in case any non-bailable offence is added in the case.

**26.07.2021**

Vinay

**(ARUN KUMAR TYAGI)  
JUDGE**

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