

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

**CRM-M-24434 of 2020
Date of Decision:-15.02.2021**

Paramjit Kumar alias Pamma

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Chander Shekhar Singhal, Advocate
for the petitioner.

Mr. B.S. Sewak, Addl. A.G. Punjab.

(Proceedings through Video Conferencing)

GURVINDER SINGH GILL J.(Oral)

Petitioner seeks grant of anticipatory bail in a case registered against him vide FIR No.87 dated 31.05.2020, under Sections 307, 452, 148, 149 and 188 IPC and Section 25 of Arms Act, registered at Police Station Tibba, Ludhiana.

At the time of issuance of notice of motion, the following order was passed :-

“Present petition has been filed under Section 438 Cr.P.C for the grant of anticipatory bail to the petitioner in respect of FIR No.87 dated 31.05.2020 under Sections 307, 452, 148, 149, 188 IPC and Section 25 of the Arms

Act registered at Police Station Tibba, District Ludhiana.

Learned counsel for the petitioner argues that there are five accused in the present FIR and Section 307 IPC has been added as one of the accused was carrying firearm and fired gun shots in the air. Learned counsel for the petitioner further submits that no injury has been attributed to the petitioner so as to relate with him the allegations under Section 307 IPC. Learned counsel for the petitioner further submits that the petitioner has only been accused of giving physical beatings to the victim.

Notice of motion.

Mr. Sandeep Singh Deol, learned Deputy Advocate General, Punjab, who has joined the proceedings through video conference, keeping in view the service of advance copy of petition, accepts notice on behalf of the respondent-State.

Learned counsel for the respondent-State concedes that Section 307 IPC has been added to the FIR because one of the accused, who was carrying firearm, fired gun shots in the air. Learned counsel for the respondent further concedes that no role has been attributed to the petitioner so as to connect him with the allegations related to Section 307 IPC.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Once, no allegation has been alleged against the petitioner relating him to Section 307 IPC and no injury has been attributed to him and only allegation against him is physical beating given to the victim, the petitioner has made out a case for the grant of anticipatory bail especially when he has undertaken that he is ready to join the investigation and cooperate with the same.

The petitioner is directed to join the investigation

forthwith.

In the event of his arrest, he shall be released on interim bail to the satisfaction of the Arresting Officer/Investigating Officer on his furnishing bail bonds/surety bonds to his/her satisfaction subject to the following conditions:

- i) That he shall make himself available for interrogation by the police officer as and when required.
- (ii) That he shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the said facts to the Court or to any police officer.
- (iii) That he shall not leave India without prior permission of the Court.
- (iv) That he shall abide by all the conditions as enshrined under Section 438 (2) Cr.P.C.

Adjourned to 17.11.2020.

It is, however, made clear that after the petitioner join the investigation, in case any incriminating material comes against the petitioner, the respondent-State will be at liberty to file appropriate application seeking the custody of the petitioner in case, the same is needed.”

Learned State counsel on instructions from SI Sukhdev Singh informs that pursuant to interim directions, the petitioner has since joined the investigation and is not required for any custodial interrogation.

In view of the aforesaid submission, the petition is accepted and the interim directions issued by this Court vide order dated 26.08.2020 are made absolute subject to condition that petitioner shall join investigation as and when called upon to do so and cooperate with the

Investigating Officer and shall also abide by the conditions as provided under Section 438(2) Cr.P.C.

The petition stands accepted accordingly.

February 15, 2021
Vijay Asija

(GURVINDER SINGH GILL)
JUDGE

Whether speaking/reasoned	Yes / No
Whether Reportable	Yes / No