

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

CRM-M-27591-2020 (O&M)

Date of decision: 15.03.2021

Karnveer Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S. MADAAN

Present: Mr. J.S. Warring, Advocate for the petitioner.

Mr. J.S. Ghuman, DAG, Punjab.

H.S. MADAAN, J. (Oral)

Case taken up through video conferencing.

This petition for pre-arrest bail has been filed by petitioner Karnveer Singh, an accused in FIR No.151 dated 26.07.2020, for an offence under Section 25 of Arms Act and Section 188 IPC, registered with Police Station Sangat, District Bathinda.

Briefly stated the prosecution story is that, on 26.07.2020, motorcycle bearing No.PB03BA-9614 was intercepted by police party within jurisdiction of Police Station Sangat, District Bathinda and Davinder Singh was apprehended along with the motorcycle whereas the present petitioner Karnveer Singh had managed to escape; search of the motorcycle revealed that a pistol of .32 bore along with 03 live cartridges of same bore were being carried in it; formal FIR in the matter was recorded; the investigation in the case started; it came out that the

motorcycle stands in the name of the petitioner.

Apprehending his arrest in this case, petitioner/accused had approached the Courts of Sessions at Bathinda by moving an application for grant of pre-arrest bail. His such application was assigned to Addl. Sessions Judge, Bathinda, who vide order dated 02.09.2020, dismissed the same. Feeling aggrieved, the petitioner has approached this Court, craving for grant of similar relief, which request is being opposed by the State counsel.

I have heard learned counsel for the parties besides going through the record.

Learned counsel for the petitioner has contended that the motorcycle in question was picked up from farm of the petitioner by the police authorities, who were holding grudge against him due to his acquittal in FIR No.91 dated 12.05.2018, for offences under Sections 376, 363 and 366 IPC, registered with Police Station Sangat, Bathinda. The petitioner was neither arrested from the spot nor any recovery was effected from him. He has already joined the investigation. Nothing is to be recovered from him. As such, he be granted pre-arrest bail.

Learned State counsel, on instructions from ASI Charanjit Singh has conceded the fact of petitioner having joined the investigation, further stating that since no recovery is to be effected from him, his custodial interrogation is not required.

It being so, the interim bail granted to the petitioner, vide order dated 14.09.2020 is made absolute, subject to the following

conditions:-

- 1.that the petitioner shall make himself available for investigation by a police officer as and when required;
- 2.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 such facts to the Court or to any police officer and;
- 3.that he shall not leave India without prior permission of the Court.
- 4.that he shall surrender his passport before the Investigating Officer and if he is not having passport, then, shall file the affidavit in that regard.

In case, the petitioner violates any terms & conditions, on which the bail has been granted to him, the prosecution would be entitled to apply for cancellation of bail.

The petition stands allowed accordingly.

15.03.2021

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(H.S. MADAAN)
JUDGE

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