

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

206

**CRM-M-27621-2020**  
**Date of Decision:12.01.2021**

Rajvir Singh @ Rajbir Singh

...Petitioner

Versus

State of Punjab

...Respondent

**CRM-M-38432-2020**

Manpreet Singh

...Petitioner

Versus

State of Punjab

...Respondent

**CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH**

Present:- Mr.Ajeet Pal Singh Pakka, Advocate  
for the petitioner(s).

Ms.Monika Jalota, DAG Punjab

Mr.Aman Dhir, Advocate  
for the complainant.

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**Amol Rattan Singh, J. (Oral)**

Case heard by video conferencing.

On September 29, 2020, the following order had been passed by this Court  
in CRM-M-27621-2020:

*All cases listed today have been taken up for hearing by way of  
video conferencing because of the situation existing due to the COVID-  
19 pandemic.*

*Learned counsel for the petitioner submits that the petitioner disputes even the occurrence itself, on the basis of the 'warabandi', i.e. the turn of usage of the canal water; and consequently any recoveries made from the spot, of cartridges/fired ammunition, are not traceable or connected to the petitioner at all.*

*Upon query to learned State counsel, as to whether the fired projectiles and any cartridges recovered from the spot had been sent for ballistic analysis, he submits that the needful has not been done so far as per his instructions, because the petitioner not having been apprehended as yet, the revolver carried by him and the other weapons carried by his co-accused (as per the allegation), have not been recovered.*

*He also submits, on query, that no injury took place.*

*Inter-alia, learned counsel for the complainant has also addressed arguments to the effect that since bullets were recovered from the spot, it shows that firing actually occurred at that place.*

*He further submits that the conduct of the petitioner needs to be seen before admitting him to interim bail in view of the fact that earlier also an FIR stands registered against those who are the petitioners' co-accused in the present FIR.*

*It is to be observed that for determining as to the kind of fired projectiles that were recovered, it is not necessary to have a weapon, to the extent that at least it would be known as to whether the said projectiles fired were from a revolver or a .12 bore gun or a rifle etc.*

*Be that as it may, without making any comment on the actual merits of the case as yet, simply on what has been contended by learned counsel for the petitioner hereinabove, to the extent that the 'warabandi' would show that there was no cause to be present at the spot at the time that the occurrence is shown to have taken place, and the fact that the projectiles have still not been sent for ballistic examination, the petitioner is directed to join investigation within one week and to surrender to the investigating officer any licenced revolver that he has in possession of, with a gazetted officer directed to file a detailed reply to the petition on his own affidavit.*

*If the petitioner is sought to be arrested, he would be released on interim bail, on his furnishing adequate bail and surety bonds to the satisfaction of the arresting officer/Ilaqa Magistrate.*

*He shall, further, abide by all the conditions stipulated in Section 438 (2) of the Cr.P.C.*

*If the arresting officer does not join the petitioner in investigation, he would appear before the learned Ilaqa Magistrate immediately, who would then summon the arresting officer and direct him to join him in investigation.*

*Adjourned to 15.10.2020.*

*Naturally, all aspects argued today would be considered once the reply of the State has been received; and as to whether the interim order should continue or not.*

On November 23, 2020, the following order had been passed by this Court in CRM-M-38432-2020:

*All cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the COVID-19 pandemic.*

*By this petition, the petitioner seeks the concession of 'anticipatory bail' under the provisions of Section 438 Cr.P.C., upon FIR No.116, dated 22.06.2020, having been registered at Police Station Gidderbaha, District Sri Muktsar Sahib, alleging therein the commission of offences punishable under Sections 307, 506, 148 and 149 of the IPC and Sections 25 and 27 of the Arms Act, 1959.*

*Learned counsel for the petitioner submits that though there is an attribution to the petitioner of having fired from a revolver, there is no injury whatsoever, either by a firearm or otherwise, on the side of the complainant.*

*Notice of motion.*

*Mr. Hittan Nehra, Addl. AG. Punjab, accepts notice, at the asking of the Court but due to a problem in his connection, he is unable to assist the court.*

*Adjourned to 17.12.2020.*

*To be heard alongwith CRM-M-27621 of 2020.*

*A common reply be filed to both the petitions by a gazetted officer at least one week before that date, with a copy thereof to be sent to learned counsel for the petitioner.*

*In the meanwhile, without making any comment on the actual merits of the case, the petitioner is directed to join investigation and upon him so joining, if he is sought to be arrested, he shall be released on interim bail, upon his furnishing adequate bail and surety bonds to the satisfaction of the arresting officer/Duty Magistrate, till the next date of hearing.*

*He shall also comply with all conditions stipulated in Section 438(2) of the Cr.P.C.*

*If the arresting officer does not join the petitioner in investigation, he would appear before the learned Ilaka Magistrate immediately, who would then summon the arresting officer and direct him to join him in investigation, in terms of the order of this Court.*

Three replies have in fact been filed thereafter on behalf of the State, in all of which, the essence of what is stated is that firearms were recovered and projectiles have also been recovered, though learned State counsel on instructions submits that the FSL report is still awaited.

Be that as it may, it is also not denied by the learned State counsel (again on instructions) that no injury was caused in the occurrence at all and that there are no other criminal cases registered against the petitioner(s).

That being so, though learned counsel for the complainant vehemently opposes that the petitioners should be admitted to bail absolutely, as his co-accused were involved in another occurrence earlier, however, as regards the present petition at least, there being no criminal antecedents of the petitioners brought on record before this Court and it admittedly not being a case of any injury, without making any comment on the actual merits of the case, the petition is allowed and the orders dated 29.09.2020 and

23.11.2020 are made absolute.

It is to be noticed that, as per the complainant, in respect of one of the firearms used, the license issued to the licensee already stood expired on the date of its use. Naturally that aspect will be gone into by the investigating agency and a report would be accordingly submitted to the competent Court under the provisions of Section 173 Cr.P.C., on completion of investigation.

**12.01.2021**

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**(AMOL RATTAN SINGH)**  
**JUDGE**

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No