

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

201

CRM-M-30908 of 2020
Date of Decision: 08.02.2021

Ajay Monga @ Balli

..... Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Amit Dhawan, Advocate,
for the petitioner.

Mr. Ramdeep Partap Singh, DAG, Punjab

AMOL RATTAN SINGH, J. (ORAL)

Case heard via video conferencing.

By this petition, the petitioner seeks the concession of 'anticipatory bail' under the provisions of Section 438 of the Cr.P.C., upon FIR no.107, dated 11.03.2020, having been registered at Police Station City Ferozepur, alleging therein the commission of offences punishable under Sections 307 and 506 of the IPC read with Section 34 thereof and Sections 25 and 27 of the Arms Act, 1959.

On November 16, 2020, the following order had been passed:-

“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 seek the concession of 'pre-arrest bail' upon FIR No.107 having been registered at Police Station City Ferozepur, on 11.03.2020, alleging therein the commission of offences punishable under Sections 307/506/34 of the IPC and

Sections 25 and 27 of the Arms Act, 1959.

Learned counsel for the petitioner submits that in fact the matter has been compromised between the parties, with a copy of the compromise deed, in the shape of an affidavit, annexed as Annexure P-2 with the petition.

Learned counsel appearing for respondent no. 2 (complainant in the FIR) does not deny the factum of the compromise reached between the parties.

Though the allegation against the petitioner is attempt to commit murder by way of a fire arm, however, learned counsel for the petitioner submits that in fact no fire arm was recovered and even the injury sustained on the thigh, would not suggest any actual attempt to murder.

Upon query to learned State counsel, he submits that as per his instructions, there is no other criminal case registered against the petitioner.

That being so, without making any comment on the actual merits of the case, the petitioner is directed to join investigation within one week and upon him joining investigation, in case he is sought to be arrested, he would be released on bail, on his furnishing adequate bail and surety bonds to the satisfaction of the arresting officer/Ilaqa Magistrate.

He shall also comply with 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, in terms of the order of this court.

Adjourned to 06.01.2021.

A gazetted officer is directed to file a reply to the petition, annexing therewith the medico-legal report as regards the injury sustained by the complainant and anybody else “on his side.”

Any other criminal antecedents of the petitioner shall also be brought to the notice of the court by way of citing any other FIR

registered against him. ”

Thereafter, the reply on behalf of the respondent State has been filed by way of an affidavit of the DSP, (City), Ferozepur, annexing therewith the MLR in respect of the injuries stated to have been received by Gurpyar Singh, with there being no fracture on his right thigh and with it further stated that there was no blackening, tattooing, singeing and collar abrasion.

That being so, with the petitioner also stated to have joined investigation, though a gazetted officer in his reply has stated that his custodial interrogation is required, however as per learned State counsel, on instructions from SI Sukhchain Singh, i.e. the investigating officer, his custodial interrogation is not required.

It is also recorded in the order dated 16.11.2020, that learned counsel who appeared for respondent no.2 did not deny the factum of the compromise reached between the parties.

That being so, with the investigating officer himself not requiring the custodial interrogation of the petitioner, without making any comment on the actual merits of the case, this petition has actually been rendered infructuous and is disposed of as such.

However, if the petitioners' custodial interrogation is requiring at any stage hereinafter, in the context of the FIR in question, he would be given 10 days notice before arrest, duly shown to be served upon him.

February 08, 2021
dinesh

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
No