

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(204)

CRM No. M-41891 of 2021
Date of Decision : 07.12.2021

Sohan Singh

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Karanjit Singh Gill, Advocate for the petitioner.

Mr. Kirat Singh Sidhu, Deputy Advocate General, Punjab.

Harsimran Singh Sethi, J. (Oral)

The petitioner is seeking anticipatory bail in FIR No.125 dated 23.08.2021 registered under Sections 324 & 323 of the IPC and Sections 25 and 27 of the Arms Act, 1959 at Police Station Sadar Kotkapura, District Faridkot.

Learned counsel for the petitioner contends that the petitioner has joined investigation in terms of order passed by this Court dated 06.10.2021. Order dated 06.10.2021 is as under:-

“The 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.125 dated 23.08.2021 registered under Sections 324 & 323 of the IPC and Sections 25 and 27 of the Arms Act, 1959 at Police Station Sadar Kotkapura, District Faridkot.

Learned counsel for the petitioner argues that though, it has been mentioned in the FIR that the complainant has

received the injuries but, all the injuries are simple in nature and in respect of the allegation regarding Sections 25 and 27 of the Arms Act, the same is that the petitioner was carrying a firearm but, there is no allegation in the FIR of using the same by the petitioner in any manner. Learned counsel for the petitioner submits that the petitioner is ready to join and cooperate in the investigation so as to recover the weapon stated to be used in the crime and, therefore, the petitioner be granted the benefit of anticipatory bail.

Notice of motion for 07.12.2021.

Mr. Sandeep Singh Deol, DAG, 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 State counsel concedes that as of now the injuries received by the complainant are declared to be simple in nature and the firearm which was carried by the petitioner was not used by him in any manner.

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

Once, the injuries attributed to the petitioner are simple in nature and the firearm was not used by the petitioner, the purpose of investigation will be achieved in case, the petitioner is directed to join and cooperate in investigation.

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 the satisfaction of the Arresting Officer/Investigating Officer 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.”

Learned State counsel, on instructions from ASI Satish Kumar states that in terms of the order of this Court reproduced before, the petitioner has joined the investigation and no further interrogation of the petitioner is required at this stage.

In view of the above, the order dated 06.10.2021 granting interim bail to the petitioner is made absolute.

However, the petitioner shall abide by the conditions stipulated under Section 438(2) Cr.P.C. He shall also join investigation as and when called upon to do so.

In case at any given point of time hereinafter, it is felt by the Investigating Agency that petitioner is required for the investigation but is not co-operating, it will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

December 07, 2021
kanchan

(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking? Yes
Whether reportable? No