

CRM-M-39220-2020

Date of Decision: 08.09. 2021

SUMIT KUMAR BHATIA

..Petitioner

VERSUS

U.T., CHANDIGARH

..Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Harsh Chopra, Advocate
for the petitioner.

Mr. A.M. Punchhi, Public Prosecutor with
Mr. Anupam Bansal, APP,
U.T., Chandigarh.

(Through video conferencing)

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for grant of anticipatory bail to the petitioner in FIR No. 60 dated 02.06.2020, registered under Sections 307/212/34 of the IPC and Sections 25/27/54/59 of the Arms Act, at Police Station Sector 3, Chandigarh.

The operative part of the order dated 26.11.2020, vide which the petitioner has been granted interim bail, is reproduced below:

“Learned counsel for the petitioner submits that after the arrest of the main accused Vainket Garg on 11.06.2020, the police recorded his first disclosure on 12.06.2020, in which nothing is stated against the petitioner. Thereafter, the second disclosure of the said accused was recorded on 13.06.2020, again the petitioner was not nominated. It is further submitted that after five days of the arrest of the said accused, his third disclosure was recorded on 16.06.2020, in which it is stated that he was directed by co-accused Amandeep @ Rinku @ Topi to hand over a country made pistol to petitioner, who is running a luxury car garage.

Learned counsel further submits that in fact the petitioner is a friend of one Vijay Raina, who is having some dispute with SHO, Police Station Sector 3, Chandigarh and has already made a complaint against him, therefore, the petitioner has been nominated as an accused in this case.

Notice of motion for 24.03.2021.”

Learned counsel for the petitioner submits that the petitioner, in pursuance to the order dated 26.11.2020, has already appeared before the SHO/Investigating Officer and has joined the investigation.

Learned counsel for the State, on instructions from ASI Lakhwinder Singh, has not disputed the factual position and submits that the petitioner has joined the investigation and is no more required for any further investigation.

In view of the above, considering the fact that petitioner is on interim bail for the last more than ten months and has not misused the same, the present petition is allowed and the interim bail granted to the petitioner, vide order dated 26.11.2020, is made absolute, subject to the conditions envisaged under Section 438(2) Cr.P.C.

(ARVIND SINGH SANGWAN)
JUDGE

08.09.2021

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Whether speaking / reasoned? Yes/No

Whether reportable? Yes/No