

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(102)

CRM-M-44689-2021

Date of Decision : October 27, 2021

Abhishek

.. Petitioner

Versus

State of Punjab

.. Respondent

(Through Video Conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Puneet Kumar Bansal, Advocate, for the petitioner.

Mr. Kirat Singh Sidhu, Deputy Advocate General, Punjab.
(keeping in view the advance copy given).

HARSIMRAN SINGH SETHI J. (ORAL)

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.156 dated 24.09.2021 registered under Section 25 of the Arms Act, 1959 and Section 120-B IPC at Police Station Sadar Ferozpur, District Ferozepur.

Learned counsel for the petitioner submits that the petitioner has wrongly been involved in the present case on the basis of the disclosure statement of co-accused namely Vinay. Learned counsel for the petitioner further submits that even in the disclosure statement, the co-accused Vinay has named one Jonty whereas, the petitioner is known by the name of Abhishek and therefore, there is a mistake in identifying the actual person, who has been named by the co-accused Vinay to the effect that the pistol was handed over to the said person namely Jonty. Learned counsel for the petitioner further submits that even the address of the petitioner given by

Vinay to the said person namely Jonty, does not match with that of the petitioner, hence, as the petitioner is ready to join the investigation and cooperate with the same, he be extended the benefit of anticipatory bail.

Notice of motion.

Mr. Kirat Singh Sidhu, learned Deputy Advocate General, 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 counsel for the respondent-State submits that identification of Jonty named by co-accused Vinay has already been undertaken and the petitioner is also known by the said name. Learned counsel for the respondent-State further submits that the description of the address is not going to make much difference as the Investigating Agency has already ascertained that Jonty, who has been named by the co -accused Vinay in his disclosure statement to whom gun has been handed over, has zeroed upon the petitioner and therefore, the custody of the petitioner is very much necessary to recover the gun, allegedly given by the co-accused Vinay to the petitioner.

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

Kepeing in view the facts and circumstances of the present case, as the gun, allegedly given to the petitioner, by the co-accused Vinay, is yet to be recovered.

In the facts and circumstances of this case, the custodial interrogation of the petitioner is necessary to find out the said gun.

Further, this is not a case, where allowing the petitioner to join into investigation and co-operate will achieve purpose of investigation. Even the Hon'ble Supreme Court of India in ***State represented by the C.B.I. Vs. Anil Sharma***, 1997(4) R.C.R.(Criminal) 268, has held that in case where serious allegations have been alleged and the truth needs to be elicited from the accused, the same can only be done through the custodial interrogation as compared to questioning a suspect, who is already on anticipatory bail.

Keeping in view the facts and circumstances of this case, the prayer of the petitioner for the grant of anticipatory bail cannot be accepted.

Dismissed.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

October 27, 2021

harsha

(HARSIMRAN SINGH SETHI)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No