

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(102)

CRM-M-46537-2021

Date of Decision : November 08, 2021

Sajan Soni @ Sajan

.. Petitioner

Versus

State of Punjab

.. Respondent

(Through Video Conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Hoshiar Singh, Advocate, for the petitioner.

Mr. Sandeep Singh Deol, 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 falsely been implicated in the present case on the basis of the disclosure statement of co-accused namely Vinay. Learned counsel for the petitioner further submits that the petitioner has done no wrong and as the petitioner is ready to join the investigation and cooperate, he may kindly be extended the benefit of anticipatory bail.

Notice of motion.

Mr. Sandeep Singh Deol, 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 in the present case, the firearms were purchased by co-accused Vinay in an illegal manner and as per the disclosure statement of co-accused Vinay, one of the firearm has been sold to the petitioner, which is yet to be recovered. Learned State counsel further submits that the similar prayer of co-accused has already been rejected by this Court while deciding CRM No. M-44689 of 2021 titled as ***Abhishek Vs. State of Punjab***, on 27.10.2021.

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

In the present case, it has come in the disclosure statement of co-accused Vinay that one of the firearm, which he procured in an illegal manner, was sold to the petitioner. The said firearm needs to be recovered, before the same is put to use. While considering the plea for the grant of anticipatory bail, this Court has to keep in mind whether, mere joining of an accused in the investigation will achieve purpose of investigation or the purpose of investigation can only be achieved in case, the custodial interrogation is granted to the investigating agency. 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, where recovery of firearm is yet to be done from the petitioner, it is not a case

where the purpose of investigation can be achieved by directing the petitioner to join the investigation and cooperate.

No ground is made out to grant the petitioner the benefit of anticipatory bail.

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.

November 08, 2021
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No