

**IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH.**

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**CRM-M-16450-2022  
Date of decision: 26.05.2022**

HARJOTH SINGH@HARJOT SINGH

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

**CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR**

Present : Mr. Kaushal Chahal, Advocate  
for Mr. P.S.Sekhon, Advocate  
for the petitioner.

Mr. Harpreet Singh Multani, AAG, Punjab.

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**SURESHWAR THAKUR, J. (ORAL)**

1. The instant petition has been filed under Section 438 Cr.P.C., wherein the petitioner seeks the indulgence of anticipatory bail.

2. In FIR bearing No.15 of 11.02.2022, registered at Police Station Badhni Kalan, District Moga, offences constituted under Sections 336, 506, 148, 149 IPC, and, Sections 25, 27 of Arms Act, 1959, are embodied.

3. The petitioner was a member of an unlawful assembly, and, he alongwith the other members of the unlawful assembly, with a shared with them common object, and, through each respectively wielding kirpan, and, khandas, making life endangering threats upon

the victim. Therefore, unless the present bail petitioner had ensured the effectuation of recoveries, at his instance of the apposite incriminatory weapon(s) of offence, if any, to the investigating officer concerned, thereupon this court may become constrained to not enlarge him on pre-arrest bail.

4. However, the learned State Counsel, on instructions, given to him by ASI Jagsir Singh, submits that the bail petitioner has ensured recoveries of, one country made pistol (point 32 bore), one motorcycle, and, 5 empty cartridges, to the investigating officer concerned.

5. The learned State Counsel submits that, though in the wake of the above, the investigations into the petition FIR are complete, but the investigating officer concerned, has not filed report under Section 173 Cr.P.C., before the learned Magistrate concerned, as the bail petitioner, is not revealing the name of the person(s), from whom he acquired the unlicensed pistol. Consequently, he submits that for the above revelations being made, by the present bail petitioner, to the investigating officer concerned, his custodial interrogation is imperative.

6. Since all the relevant recoveries, in respect whereof, the petition crime became allegedly committed by the present bail petitioner, have been effected by him, to the investigating officer concerned, thereupon, this court does not yet deem it fit to order for his custodial interrogation being made, only for the above purpose, as even if he does not yet reveal to the investigating officers concerned, the source from which he procured an unlicensed arm, rather this court may make the above revelations as a condition precedent for admitting him

to pre-arrest bail.

7. Therefore, and, also when, at this stage, no evidence is adduced before this Court by the prosecution, suggestive of the fact, that in the event of the petitioner, becoming admitted to anticipatory bail, there is every likelihood of his fleeing from justice, and, tampering with the prosecution evidence. In consequence, this Court becomes constrained to admit the present petitioner to anticipatory bail.

8. In nutshell, the instant petition is allowed, and, the order made by this Court on 22.04.2022, is made absolute subject to his rendering co-operation to the investigating officer concerned, and, his not influencing the prosecution witnesses, and, also his not tampering with the prosecution evidence.

9. It is clarified that the above made order is subject to the present bail petitioner, revealing to the investigating officer concerned, the source from which he acquired an unlicensed arm. In addition, it is further clarified, that in case the above revelation is not made within one month, it is open to the state counsel to make a motion before this Court to rescind the order, as made today by this Court.

10. The afore observations are meant only for the disposal of the present petition, and, shall not affect the merits of the trial arising from the FIR (supra).

26.05.2022  
kavneet singh

(SURESHWAR THAKUR)  
JUDGE

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