

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-28025-2022 (O&M)
Date of Decision:-24.8.2022

Gurpreet Singh ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Mandeep Singh Bains, Advocate for the petitioner.

Mr. Luvinder Sofat, DAG, Punjab,
assisted by ASI Sukha Singh.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.71 dated 28.4.2022, Police Station Lehra, District Sangrur (Punjab), under Sections 427, 336 of Indian Penal Code and Section 25 of Arms Act.
2. Reply by way of affidavit of Sh. Pushpinder Singh, P.P.S., Deputy Superintendent of Police, Sub Division, Lehra, District Sangrur has been filed by learned State counsel, which is taken on record.
3. At the time of issuance of notice of motion, the following order was passed on 4.7.2022:

“Learned counsel contends that the FIR is founded upon hearsay information and as per allegations, an unknown person had fired

gunshots at shutter of complainant's shop, which was already closed. He submits that the complainant was not even present at the time of the occurrence, and the petitioner has been falsely implicated subsequently.

Notice of motion for 24.08.2022.

Meanwhile, the petitioner shall join the investigation and would come present as and when called for and in the event of arrest, the petitioner shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438(2) Cr.P.C.”

4. Learned State counsel has informed that although the petitioner, pursuant to interim directions, has joined investigation but has not got the pistol used in the occurrence recovered. It has also been informed that the petitioner otherwise is not involved in any other case.
5. I have considered rival submissions addressed before this Court.
6. Having regard to the nature of allegations and the fact that nobody has been injured or has been directly fired at and also that the petitioner has since joined investigation, his custodial interrogation would not be warranted on the ground that the weapon allegedly used in the occurrence has not been recovered inasmuch the accused are disputing the entire version itself. Though during the course of arguments CCTV footage was also shown to this Court but the said CCTV footage does not indicate the presence of any accused and does not clearly show any weapon though a car is seen in the said CCTV footage.
7. In view of the aforestated position, the petition is accepted and the interim directions issued by this Court vide order dated 4.7.2022 are hereby made

absolute, subject to the condition that the petitioner shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438(2) Cr.P.C.

24.8.2022

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No