

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

106

CRM-M-33511-2022

Date of decision: 01.08.2022

GURPINDER SINGH

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present : Mr. J.S.Bhandohal, Advocate
for the petitioner.

Mr. M.S.Nagra, AAG, Punjab.

SURESHWAR THAKUR, J. (ORAL)

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

2. In FIR bearing No.294 of 29.11.2021, registered at Police Station Sadar, Nabha, District Patiala, offences constituted under Sections 307/34 of the IPC, and, Section 25 of the Arms Act, are embodied.

3. The prime incriminatory fact, become comprised, in qua at the crime site, three accused, while atop the crime motorcycle, making their arrival there. Co-accused Gagan Teja, is alleged to, from his revolver fire shots at the right upper leg of the victim. The medical practitioner has pronounced that these are lacerated wounds.

4. Be that as it may, the incrimination drawn against the

present bail petitioner, rests upon the factum, that the crime revolver was purchased by the principal accused from the present bail petitioner, despite his not holding a valid licence, from the Licensing Authority hence to make further sales thereof. Even the principal accused, but obviously, is also not holding any valid license to wield the crime revolver.

5. However, even if the present bail petitioner was not present at the crime site, alongwith the other co-accused, yet he had facilitated the commission of the crime incident, through his selling an unlicensed crime revolver, to the present bail petitioner.

6. Since, the above factum, though does not assign to him a more serious, and, heinous role, in the penal incident, than as becomes assigned to the principal offenders concerned, and, rather who were available at the crime site, but yet given the fact that neither the crime revolver is to be recovered, at his instance to the investigating officer concerned, but it is to be recovered at the instance of the principal offender, to the investigating officer concerned. Therefore, for the afore purpose, there is no necessity to order for the custodial interrogation of the present bail petitioner.

7. Furthermore, since it is stated, at the bar, by the learned State Counsel, on instructions given to him, by ASI Ved Parkash, that the condition of the victim is fully stable, and, that he is discharged from the hospital. Therefore, also this Court becomes constrained, to not order for the custodial interrogation, of the present bail petitioner.

8. Moreover, also, when at this stage no evidence has been adduced by the prosecution, suggestive that in the event of the bail

petitioner being enlarged on anticipatory bail, there is every likelihood of his fleeing from justice, and/or, tampering with prosecution evidence, thereupon too, it is not deemed fit to decline the relief of pre-arrest bail to the petitioner.

9. In aftermath, the present petition is allowed, and, the bail applicant-petitioner is admitted to anticipatory bail, and, in the event of his arrest, he may not be arrested by the investigating officer concerned, but subject to the bail applicant-petitioner furnishing personal, and, surety bonds in the sum of Rs.50,000/- each, to the satisfaction of the arresting officer. Furthermore, the bail applicant-petitioner, shall also give an undertaking, before the arresting officer, that as and when he is summoned through a written Hukamnama, he shall ensure his rendering his cooperation to the investigating officer. Moreover, he shall also give an undertaking, that he shall not influence the prosecution witnesses, nor shall tamper with the prosecution evidence.

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 FIR (supra).

01.08.2022
kavneet singh

(SURESHWAR THAKUR)
JUDGE

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