

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH.

104

CRM-M-34104-2022
Date of decision: 04.08.2022

JANU MALIK

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present : Mr. Amjad Khan, 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 IPC, and, Section 25 of the Arms Act, 1959, are embodied.

3. The learned State counsel submits, that though the present bail petitioner, was not at the crime site alongwith the other co-accused, but during the custodial interrogation of the principal offender Gagandeep @ Teja, and, of Sukhjinder Singh @ Pollo, both revealed, that they purchased the crime revolver from the present bail petitioner, who, however has been stated, at the bar, by the learned State counsel, to not hold any valid license from the Competent Authority, to either

operate the business of selling arms, nor, he became authorized to sell it to the accused concerned.

4. In the above regard, the learned State counsel submits, that the custodial interrogation of the present bail petitioner, is imperative for unearthing from him, the sources wherefrom, he was acquiring illicit weapons', for theirs thereafter, being illicitly sold to the persons concerned.

5. Be that as it may, since the learned State counsel also submits that the recovery of the crime revolver has been effected, at the instance of the present bail petitioner, to the investigating officer concerned, and, also with his further submitting, that the crime motorcycle has also been recovered, at his instance. Therefore, this court does not deem it fit, and, appropriate to order for the custodial interrogation, of the present bail petitioner.

6. Insofar as the above made submission of the learned State counsel, qua for unearthing from the bail petitioner, the source of acquisition of illicit arms, and, also for ensuring emanations from him, the names of all concerned, to whom he supplied them, rather his custodial interrogation is required.

7. However, the above submission can become blunted, upon, this Court making an order upon the present bail petitioner, to during the course of his meteing co-operation to the investigating officer concerned, his disclosing to the latter, the sources from where he acquired the illicit arms, and, also disclosing to the investigating officer concerned, the names of all persons to whom he had further sold them.

8. In aftermath, with the above condition precedent, 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.
9. 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).

04.08.2022
kavneet singh

(SURESHWAR THAKUR)
JUDGE

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