

In the High Court of Punjab and Haryana at Chandigarh

226

CRM-M-44951-2021 (O & M)
Date of Decision: January 18, 2022

SUMMY AND ANR

.....PETITIONER

VERSUS

STATE OF PUNJAB

....RESPONDENT

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr.Sandeep Kumar, Advocate for the petitioner.

Ms. Amarjit Kaur Khurana, DAG, Punjab.

ANUPINDER SINGH GREWAL, J (ORAL)

Case taken up through video conferencing.

The petitioners are seeking anticipatory bail in FIR No. 289 dated 03.09.2020, under Sections 307, 323, 506 read with Section 34 of the Indian Penal Code, 1860, besides Sections 25 and 27 of the Arms Act, 1959, registered at Police Station Sohana, District SAS Nagar.

Learned counsel for the petitioners contends that it is alleged that the petitioners and other accused had threatened the complainant to stop selling illicit liquor and petitioner No. 1 had fired a shot which did not hit him. He also contends that there is a delay of a day in registering the FIR, as the incident is alleged to have taken place at 06:00 p.m. on 02.09.2020 whereas the FIR was lodged at 05:15 p.m. on the next day, i.e. 03.09.2020. He further contends that it is a case of no injury and no empty shell was recovered. He also contends that after this Court had passed the interim order protecting the petitioners from arrest, petitioner No.2 was brutally beaten by the complainant on 06.11.2021 and FIR No.394 has been lodged against the complainant.

This Court, by the order dated 28.10.2021, had directed the petitioners to appear before the Investigating Officer and join the investigation and in the event of their arrest, they were ordered to be released on ad-interim bail to the satisfaction of the Investigating/Arresting Officer, subject to the conditions envisaged under Section 438(2) Cr.P.C.

Learned State counsel, on instructions from ASI Barma Singh, states that although the petitioners have joined investigation but recovery is yet to be effected. She has also filed the status report by way of affidavit of DSP, City II, District SAS Nagar, which is taken on record. Status report does not indicate that any recovery of empty shell has been effected from the spot.

In view of the above and the petitioners having joined investigation, the order dated 28.10.2021 granting interim bail to the petitioners is made absolute.

However, the petitioners shall abide by the conditions stipulated under Section 438(2) Cr.P.C. They shall also join investigation as and when called upon to do so.

The petition stands disposed of.

(ANUPINDER SINGH GREWAL)
JUDGE

January 18, 2022
A.Kaundal

Whether speaking/ reasoned	:	Yes/No
Whether Reportable	:	Yes/No