

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

CRM-M No. 45667 of 2021

Date of Decision: 27.04.2022

Gurmukh Singh @ Sonu

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. Yajur Sharma, Advocate, for the petitioner.

Mr. Amar Ashok Pathak, Additional Advocate General, Punjab

SURESHWAR THAKUR, J. (ORAL)

1. The petitioner, by filing the present petition cast under Section 438 Cr.P.C., seeks grant of anticipatory bail in case FIR No. 371 of 20.12.2020, which was registered against him, at Police Station Lopoke, District Amritsar, constituting therein offences under Sections 323, 324, 364, 336, 506, 427, 148 & 149 of the Indian Penal Code, 1860, and, under Sections 25 & 27 of the Arms Act.

2. Though, this Court, through an order made on 01.11.2021, had granted relief of ad interim anticipatory bail to the bail petitioner, but the afore order was made subject to the bail applicant – petitioner, ensuring his making effectuation of recovery, at his instance, to the Investigating Officer (IO) concerned, of incriminatory weapon of offence, as, became wielded by him, and, also became allegedly used by him, at the crime site.

3. However, on the date(s) subsequent to the afore made order, the afore recovery(ies) became not effectuated, by the bail petitioner, to the IO concerned, and, that when even on 30.03.2022, the requisite cooperation was not rendered to the IO concerned, thereupon, this Court became

“ If the order made on 09.02.2022, is not meted the fullest compliance within a period of one week, thereupon, this Court will be constrained to vacate the order made by this Court, on 18.11.2021 wherethrough the facility of ad-interim bail was granted to them.

2. List on 27.04.2022.

3. In the meantime, interim order to continue.”

4. The above made order, made it imperatively incumbent upon the petitioner, to, upon, the IO concerned, soliciting his above cooperation, through his serving a written Hukamnama, upon him, rather rendering his cooperation to the above extent to the IO concerned.

5. The learned State Counsel, on instructions, meted to him, by ASI Charanjit Singh, submits, that despite the latter serving, upon, the present bail petitioner a written Hukamnama, yet on the date(s) mentioned therein, for the relevant cooperation, being meted, to the IO concerned, by the bail petitioner, the latter did not cause his appearance(s), for the relevant purpose, before the IO concerned. Therefore obviously, there is the completest non-cooperation of the bail petitioner, in the investigations, which are underway, into FIR (supra). Moreso, and, specifically with respect to his ensuring the effectuation of recovery, at his instance, to the IO concerned, of the incriminatory weapon of offence, as, only upon its being handed over by him, to the IO concerned, the latter would become enabled to send it to the ballistic expert concerned, for the latter making an opinion, whether the gun shot, as, became allegedly fired therefrom was or not, rather fired therefrom. The above non-cooperation of the petitioner, despite several opportunities being granted to him for the relevant purpose, and, when the above recoveries, are of utmost importance for enabling the IO

incriminatory role of the bail petitioner, in FIR (supra). Therefore, for want of the requisite cooperation, and, also rather despite unyielding several opportunities being granted to the bail petitioner, for the relevant purpose, and, besides in view of the afore order of 30.03.2022, this Court becomes constrained to vacate the earlier order of 01.11.2021, wherethrough ad interim bail was granted to the bail petitioner.

6. Accordingly, the afore order of 01.11.2021 stands vacated.
7. The instant petition is dismissed.

April 27, 2022
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(SURESHWAR THAKUR)
JUDGE

Whether Speaking/reasoned	Yes
Whether Reportable	Yes