

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-35961-2019
Reserved on:22.03.2022
Pronounced on: April 19th 2022

Sudhir Pannu ...Petitioner

Versus

State of Haryana and another ...Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. U.K. Agnihotri, Advocate for the petitioner.

Mr. Manish Bansal, DAG, Haryana.

Mr. Vivek Vikas Singh, Advocate for
Mr. Rajeshi Sethi, Advocate
for the complainant.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
99	17.04.2019	Urban Estate, Hisar Distt. Hisar	25, 30 of the Arms Act, 1959

1. The petitioner apprehending arrest in the FIR captioned above had come up before this Court under Section 438 CrPC seeking anticipatory bail.
2. Vide order dated 30 Aug 2019, a co-ordinate bench of this court had granted interim protection to the petitioner, which has not been vacated till date.
3. Ld. Counsel for the petitioner contends that the custodial investigation would serve no purpose whatsoever, and the pre-trial incarceration would cause an irreversible injustice to the petitioner and family.
4. Ld. counsel appearing for the State submits that bail in heinous offences encourages crime. The contention of behalf of the complainant is that the petitioner does not deserve bail.

REASONING:

5. The present FIR got registered by the wife of petitioner out of the matrimonial dispute and coupled with the facts and circumstances peculiar to this case, the custodial investigation is not required. Consequently, the petition is allowed, and

interim order dated 30 Aug 2019 is made absolute with the following additional condition.

6. Given the nature of allegations and the other circumstances peculiar to this case, the petitioner shall surrender all weapons, firearms, ammunition, if any, along with the arms license to the concerned authority within twenty days from today and inform the Investigator about the compliance. However, subject to the Indian Arms Act, 1959, the petitioner shall be entitled to renew and take it back in case of acquittal in this case.

7. This order does not, in any manner, limit or restrict the rights of the Police or the investigating agency from further investigation as per law.

8. In case the Investigator/Officer-In-Charge of the concerned Police Station arraigns another section of any penal offence in this FIR, and if the new section prescribes maximum sentence which is not greater than the sections mentioned above, then this bail order shall be deemed to have also been passed for the newly added section(s). However, suppose the newly inserted sections prescribe a sentence exceeding the maximum sentence prescribed in the sections mentioned above, then, in that case, the Investigator/Officer-In-Charge shall give the petitioner notice of a minimum of seven days providing an opportunity to avail the remedies available in law.

9. Any observation made hereinabove is neither an expression of opinion on the merits of the case nor shall the trial Court advert to these comments.

Petition allowed in aforesaid terms. All pending applications, if any, stand disposed.

(ANOOP CHITKARA)
JUDGE

April 19th 2022
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Whether speaking/reasoned: Yes
Whether reportable: No.