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

CRM-M-43877-2022

Date of decision : 29.10.2022

Mandeep Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

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

Mr. Tarun Aggarwal, Sr. DAG, Punjab.

VIKAS BAHL, J. (ORAL)

Prayer in the present petition is for grant of anticipatory bail to the petitioner in FIR No.82 dated 02.11.2020 registered under Sections 451, 336, 506, 427, 148, 149 of the Indian Penal Code, 1860 and Sections 25 and 27 of the Arms Act, 1959 at Police Station Sudhar, District Ludhiana Rural.

On 22.09.2022, this Court had passed the following order:-

“Learned counsel for the petitioner inter alia contends that in the present case, no person has been injured and the petitioner had no cause to participate in the alleged incident as the dispute of property is between Davinder Singh and Pawandeep Singh. It is further submitted that the complainant himself is a Gangster and there are several cases against him. It is contended that the petitioner is not involved in any other case. It is further

contended that although, the petitioner is stated to be armed with a pistol but it has not been specifically stated that it is the petitioner who had fired the shots. It is argued that at any rate, there is no prima facie proof that the gunshots were fired. It is further argued that the petitioner in order to show his bona fide, is ready to give an amount of Rs.20,000/- to the complainant-Harpreet Singh within a period of two weeks from today, without admitting his liability.

Notice of motion for 13.10.2022.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

The petitioner is directed to prepare demand draft of Rs.20,000/- in the name of complainant within a period of two weeks from today and is also directed to give the same to the Investigating Officer within the aforesaid time, who shall further handover the same to the complainant after getting receipt from him.

It is made clear that in case, the demand draft of Rs.20,000/- is not given to the Investigating Officer prepared in the name of the complainant within a period of two weeks from today, then the present interim relief granted in favour of the petitioner would be liable to be vacated.

The payment of the amount of Rs.20,000/- would not be construed as an admission of guilt by the petitioner. ”

Learned counsel for the petitioner has submitted that in pursuance of the abovesaid order dated 22.09.2022, the petitioner has joined

the investigation and has also handed over the demand draft amounting to Rs.20,000/- to the concerned Investigating Officer.

Learned counsel for the State, on instructions from ASI Jaswinder Singh, has submitted that the petitioner has joined the investigation and is not required for any further custodial interrogation. It is further submitted that the petitioner has also handed over the abovesaid demand draft to the Investigating Officer and Investigating Officer has further handed over the same to the complainant after taking receipt from the complainant.

Keeping in view the abovesaid facts and circumstances moreso, the facts which have been noticed in abovesaid order dated 22.09.2022 and also the fact that the petitioner has joined the investigation and is not required for further custodial interrogation, the present petition is allowed and the interim order dated 22.09.2022 is ordered to be made absolute.

However, nothing stated above shall be construed as an expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

29.10.2022*Pawan***(VIKAS BAHL)
JUDGE****Whether speaking/reasoned:-****Yes/No****Whether reportable:-****Yes/No**