

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(203)

CRM-M-49315-2021

Date of decision: - 09.02.2022

Varinder Singh @ Babbu

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. K.S. Mehta, Advocate, for the petitioner.

Mr. Sarabjit S. Cheema, AAG, Punjab.

(Through Video Conferencing)

VIKAS BAHL, J. (ORAL)

This is the first petition under Section 438 of Cr.P.C. for grant of anticipatory bail to the petitioner in case bearing FIR No.140 dated 11.08.2020, under Sections 307, 506, 148 and 149 IPC and Sections 25 and 27 of the Arms Act, 1959, registered at Police Station Tibba, Police Commissionerate Ludhiana.

In the present case, notice of motion was issued and interim protection was granted to the petitioner. However, on 15.12.2021, learned State counsel had submitted that the petitioner has not joined the investigation and accordingly, the petitioner was directed to join the investigation on 22.12.2021 at 11.00 a.m. Thereafter, when the matter was taken up on the next date i.e. 19.01.2022, then again learned State counsel pointed out that the petitioner had not been cooperating with the

investigation and accordingly, the petitioner was again directed to join the investigation on 27.01.2022 at 11.00 AM.

Today, learned State counsel has pointed out that even on 27.01.2022, the petitioner did not join the investigation.

Learned counsel for the petitioner has also submitted that in spite of best efforts, he has not been able to contact the petitioner and even the petitioner has not reached out to his office.

As per the prosecution's case, the petitioner was armed with a '*datar*' and he along with other co-accused, who were also armed with pistol, had committed the offences punishable under Sections 307, 506, 148 and 149 IPC and Sections 25 & 27 of the Arms Act and even the said '*datar*' has not been recovered from the petitioner till date.

Keeping in view the above facts and circumstances, *moreso*, the fact that the petitioner has not joined the investigation despite, grant of many opportunities and the weapon is still to be recovered from him, the present petition for the grant of anticipatory bail is dismissed.

However, nothing stated above shall be construed as a final 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.

February 09, 2022
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No