

S.No.205

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

CRM-M-48326-2021

Date of Decision:06.04.2022

Kashmir Singh

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. S.D.S. Bali, Advocate for the petitioner.

Mr. Sarabjit S. Cheema, AAG, Punjab.

VIKAS BAHL, J.

This is the first petition filed under Section 438 Cr.P.C for grant of anticipatory bail to the petitioner in case bearing FIR No.30 dated 31.07.2018 registered under Sections 307, 148, 149 IPC and under Sections 25/27/54/59 of Arms Act at Police Station Arif Ke, District Ferozepur, Punjab.

On 18.11.2021, a co-ordinate Bench of this Court was pleased to pass the following order:-

“Through this petition under Section 438 Cr.P.C. prayer has been made for grant of anticipatory bail to the petitioner in FIR No.30 dated 31.07.2018 registered under Sections 307, 148, 149 IPC and Sections 25, 27, 54, 59 of the Arms Act, at Police Station Arif Ke, District Ferozepur.

Learned counsel for the petitioner inter alia contends that petitioner has been falsely arrayed as an accused in the aforesaid FIR. It is a case of version and cross-version. Though

petitioner is alleged to have fired a gun shot, no injury has been attributed to him. Co-accused of the petitioner, namely, Gurpreet Singh @ Goldy and Harpreet Singh have already been granted anticipatory bail by this Court vide order dated 02.05.2019 passed in CRM-M-14366 of 2019 and CRM-M-18066 of 2019.

Notice of motion.

Mr. C.L. Pawar, Sr. Deputy Advocate General, Punjab, accepts notice on behalf of the respondent-State.

List on 22.02.2022.

In the meantime, the petitioner is directed to appear before the Investigating Officer within a period of 10 days to join investigation and he shall be released on interim bail on furnishing bail/surety bonds subject to the following conditions:-

1. He shall make himself available for interrogation by a police officer as and when required;
2. He shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer; and
3. He shall not leave India without previous permission of the Court.”

Learned counsel for the petitioner submits that in pursuance of the said order and the subsequent orders, the petitioner has joined the

investigation.

Learned State Counsel, on instructions from ASI Kirpal Singh, has submitted that the petitioner has joined the investigation on 05.04.2022 and is not required for further investigation.

Keeping in view the facts as noticed in the order dated 18.11.2021 and also the fact that the petitioner has joined the investigation and is not further required for investigation, the present petition is allowed and the interim order dated 18.11.2021 is made absolute.

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.

April 06, 2022
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(VIKAS BAHL)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No