

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

CRM-M-243-2023

Date of Decision:-27.03.2023

Sanjay Kumar.

.....Petitioner.

Vs.

State of Punjab.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- None for the Petitioner.

Ms. Ramta Chowdhary, Deputy Advocate General, Punjab.

Mr. Ashok Kumar Khunger, Advocate for the Complainant.

JASJIT SINGH BEDI, J.(ORAL)

The prayer under Section 438 Cr.PC is for grant of anticipatory bail in case bearing FIR No.94 dated 17.12.2020 under Sections 336 IPC and 25 and 27 of Arms Act registered at Police Station Sadar Abohar, District Fazilka.

On 06.01.2023 the following order was passed:-

“ *The petitioner seeks grant of anticipatory bail in case bearing FIR No.94 dated 17.12.2020 registered under Sections 336 IPC and 25 and 27 of Arms Act at Police Station Sadar Abohar, District Fazilka.*

The learned counsel for the petitioner contends that it is a case of version and cross-version. In fact, the petitioner was confined on account of which he fired in the air out of fear. The present FIR version is that the petitioner fired at the complainant party.

Be that as it may, the FIR has been registered under Section 336 of Arms Act. At this stage, no case for custodial interrogation is made out as the petitioner is ready and willing to get recovered the licensed revolver purportedly used by him.

Notice of motion for 27.03.2023.

Mr. Kirat Singh Sidhu, D.A.G, Punjab accepts notice on behalf of the respondent-State. Mr. A.K. Khunger, Advocate accepts notice on behalf of the complainant and has filed his power of attorney. The same is taken on record.

In the meantime, the petitioner is directed to appear before the SHO/Investigating Officer to join investigation and in the event of his arrest, he shall be released on bail on his furnishing bail bonds to the satisfaction of SHO/Investigating Agency subject to the following conditions as envisaged under Section 438(2) Cr.P.C:-

- i) that the petitioner shall make himself available for interrogation before the Investigating Officer as and when required;*
- ii) that the petitioner 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/her from disclosing such facts to the Court or to any police officer;*
- iii) that the petitioner shall not leave the country, without prior permission of the Court and shall surrender his passport, if any.*

Meanwhile, State counsel is directed to file an affidavit as to the exact role of the petitioner along with the details of pending FIRs, if any, on or before the next date of hearing.”

Pursuant thereto Status report by way of affidavit of Mr. Azad Davinder Singh, DSP (Rural), Abohar, District Fazilka on behalf of respondent no.1-State of Punjab has been filed in Court, which is taken on record. As per the said report a cancellation report has been prepared and shall be filed in the court very shortly. Therefore, the petitioner is not required for custodial interrogation.

In view of the above, the present petition has been rendered infructuous.

Disposed as infructuous.

(JASJIT SINGH BEDI)
JUDGE

March 27, 2023
Vinay

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>