

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-3296-2023 (O&M)
Date of Decision : 25.07.2023

Gurpreet Singh @ GoriPetitioner

VERSUS

State of PunjabRespondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Gursimran Singh Bawa, Advocate for the petitioner.

Mr. Adhiraj Singh, AAG Punjab.

Mr. Vikrant Vij, Advocate for
Mr. A.K. Khunger, Advocate for the complainant.

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ALKA SARIN, J. (Oral)

1. The present petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioner in FIR No.034 dated 26.02.2020 registered under Sections 354, 365, 341, 342, 506 of the Indian Penal Code, 1860; Section 25 of the Arms Act, 1959 and Section 67 of Information and Technology Act, 2000 at Police Station Lopoke, District Amritsar Rural.

2. On 20.01.2023 the following order was passed :

“Prayer is for grant of anticipatory bail in case FIR No. 034 dated 26.02.2020, under Sections 354, 365, 341, 342, 506 of IPC, 1860 and under Sections 25 of Arms Act, 1959 and under Section 67 of Information and Technology Act, 2000, registered at Police Station Lopoke, District Amritsar Rural.

Learned counsel for the petitioner has submitted that the entire story in the FIR is concocted and in fact, after lodging of the FIR a compromise is effected on 11.03.2020 and an affidavit on a stamp paper of Rs.100/- purchased on the same date is also executed though the said affidavit is not attested.

Notice of motion.

Mr. Arun Gupta, AAG, Punjab, accepts notice on behalf of the State and on instructions from SI Kuldeep Singh he submits that there are allegations under Section 25 of the Arms Act against the co-accused and the recoveries are yet to be effected.

Mr. Ashok Kumar Khunger, Advocate has put in appearance and accepts notice on behalf of the complainant.

In the light of the above, the petitioner shall join investigation on 23.01.2023 at 10:00 A.M., before the

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Investigating Officer and cooperate with the Investigating Agency even thereafter.

In the event of arrest, the petitioner be released on interim bail subject to furnishing personal/surety bonds to the satisfaction of the Arresting/Investigating Officer and the petitioner shall abide by the conditions as envisaged under Section 438 (2) Cr.P.C.

Adjourned to 10.04.2023.”

3. Learned counsel for the petitioner would contend that the petitioner has since joined investigation and has fully cooperated.

4. Learned counsel for the State, on instructions from ASI Kulbir Singh, states that the petitioner has since joined investigation and is fully co-operating and that he is no longer required for further custodial interrogation as of now.

5. In view of the above, the order dated 20.01.2023 is made absolute. The petitioner shall, however, join investigation as and when called for. The petitioner shall also abide by all the terms and conditions as specified under Section 438(2) of the Code of Criminal Procedure, 1973.

6. Disposed off accordingly. Pending applications, if any, also stand disposed off.

July 25, 2023
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(ALKA SARIN)
JUDGE

NOTE : Whether speaking/non-speaking : Speaking
Whether reportable : YES/NO