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

CRM-M-7961-2023

Date of Decision: 22.05.2023

Sachin

....Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Mr. Mohan Singh Chauhan, Advocate
for the petitioner.

Mr. Ram Kumar Singla, DAG, Haryana.

HARSH BUNGER, J. (Oral)

Prayer in the present petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner in case FIR No.519, dated 28.08.2022, registered under Sections 307, 285, 506, 120-B of the Indian Penal Code, 1860 (Section 25 of the Arms Act added later on) at Police Station Ambala Cantt., District Ambala, Haryana (Annexure P-1/T).

2. On 17.03.2023 the following order was passed by this Court :-

“Prayer in the present petition, filed under Section 438 of the Code of Criminal Procedure, is for grant of anticipatory bail to the petitioner in case FIR No.519 dated 28.08.2022, registered under Sections 307, 285, 506 and 120-B of the Indian Penal Code, 1860, and Section 25 of the Arms Act (added later on), registered at Police Station Ambala Cantt, District Ambala,

Haryana (Annexure P-1/T).

Succinctly, the abovesaid FIR has been registered at the instance of ASI Sher Singh, who received an information through telephone regarding firing of gunshot at Khatik Mandi Chowk, Potato Godown and when he reached at the place of occurrence, he came to know from people standing there that two boys on white colour Aactiva came and while standing on the Chowk were announcing the names of Aman Sonkar and others and fired two gun shots and thereafter, fled away towards Subhash Park, Teli Mandi.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case. It is further submitted that the alleged recovery (Gun) has already been effected from the co-accused (Bandhan Singh). Learned counsel further submits that there is neither any eye witness nor anyone was injured. It is next submitted that no one has submitted complaint regarding firing and the petitioner has got no concern with the alleged occurrence. It is further submitted that the co-accused Mukul and Vikas @ Kali Madam have already been granted concession of regular bail vide orders dated 22.11.2022 (Annexure P-2) and 22.12.2022 (Annexure P-3), passed by the Co-ordinate Bench of this Court and also co-accused Aman @ Gaddi has already been granted the concession of regular bail vide order dated 23.12.2022, passed by learned Sessions Judge, Ambala (Annexure P-5). Learned counsel further submits that the bail application moved by the petitioner under Section 438 of the Code of Criminal Procedure Code, for grant of anticipatory bail has wrongly been dismissed by the learned Sessions Judge, Ambala, vide its order dated 09.02.2023. Learned counsel also submits that the petitioner is not involved in any other case. It is also submitted that the petitioner is ready and willing to join investigation as and when required by the Investigating Agency or as directed by this Court or trial Court.

Learned counsel appearing on behalf of the State opposes the petitioner's plea for bail on the ground of seriousness of the offence, however, it is not disputed by learned State counsel that the petitioner is not involved in any other case and other co-accused in this FIR have been granted bail(s).

List on 11.05.2023.

In the meanwhile, in the event of arrest of the petitioner, he shall be released on ad interim bail to the satisfaction of the Investigating/ Arresting Officer. However, he shall join the investigation as and when directed by the Investigating agency and shall abide by the terms and conditions laid down under Section 438(2) Cr.P.C.”

3. Learned counsel for the petitioner submits that pursuant to the aforesaid order, the petitioner has joined the investigation.
4. Learned State counsel on instructions from ASI Kulbir Singh has not disputed the aforesaid fact of joining of investigation by the petitioner and submits that his custodial interrogation is not required at this stage.
5. Heard learned counsel for the parties.
6. Since the petitioner has joined the investigation and his custodial interrogation is not required at this stage, the present petition is allowed and the ad-interim order dated 17.03.2023 passed by this Court is made absolute.
7. However, the petitioner shall continue to join the investigation as and when required to do so and abide by all the conditions laid down under Section 438(2) Cr.P.C.
8. It is made clear that if the petitioner fails to comply with any of the bail conditions laid down under Section 438(2) Cr.P.C, the State would

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be at liberty to move an application for cancellation of this anticipatory bail granted to the petitioner.

9. Nothing expressed here-in-above shall be construed to be an observation on merits of the case and the facts and circumstances recorded above are only for consideration of the prayer for anticipatory bail at this stage.

10. The petition is accordingly disposed of.

22.05.2023

Himani

(HARSH BUNGER)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No