

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

CRM-M No.9561 of 2023
Date of decision: 12th May, 2023

Swaranjit Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. S.P.S. Sidhu, Advocate for the petitioner.

Mr. Ramdeep Pratap Singh, Sr. DAG, Punjab
for the respondents/State.

Mr. B.K. Saini, Advocate for
Mr. R.S. Sekhon, Advocate for the complainant.

MANJARI NEHRU KAUL, J. (ORAL)

The petitioner is seeking the concession of bail under Section 438 Cr.P.C. in case FIR No.116 dated 20.12.2021 under Sections 302, 307 and 34 of the IPC and Sections 25 and 27 of the Arms Act, 1959 registered at Police Station Mamdot, District Ferozepur.

Vide order dated 10.03.2023, the petitioner had been granted concession of interim bail as it was submitted by the learned counsel appearing for the petitioner that it was a case of version and cross-version wherein both the sides had received injuries in a fight which allegedly took place near the houses of the parties on 20.12.2021 at 04:00 P.M. One person each on both sides died on account of firearm

injuries. Learned counsel had also submitted that both the sides approached the police and lodged their respective complaints. The police lodged the FIR in question against the petitioner party on the complaint of Rubinder Singh whereas the version of the petitioner's party was disbelieved leading to the filing of a private complaint against the opposite party. Learned counsel while inviting the attention of this Court to the allegations levelled in the FIR, in particular to the role attributed to the petitioner, had further submitted that he had not been attributed any injury in the crime in question and his presence had been shown alongwith a .12 bore gun in addition to a lalkara attributed to him. During investigation, the investigating agency had not found any truth qua the petitioner being armed with a fire arm at the time of the occurrence in question.

Learned counsel for the petitioner submits that in compliance of the order dated 10.03.2023, the petitioner has joined investigation and cooperated with the investigating agency.

Learned State counsel, on instructions, has not disputed the submissions made by learned counsel for the petitioner qua the role attributed to the petitioner. Learned State counsel also does not dispute the factum of the petitioner having joined investigation and cooperated with the investigating agency. He, on further instructions submits that the petitioner is not required for further investigation much less for his custodial interrogation.

In the circumstances, the petition is allowed and the interim order dated 10.03.2023 is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C. Needless to say, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the bail granted to him.

(MANJARI NEHRU KAUL)
JUDGE

May 12, 2023
rps

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