2023:PHHC:060585

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

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CRM-M-21405-2022
Date of decision: 28.04.2023

Sikandar Singh and another .....Petitioners

Versus

State of Punjab .....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Ms. Satpreet Grewal Kapila, Advocate
for the petitioners.

Mr. Amit Rana, Sr. DAG, Punjab.

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MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioners are seeking the concession of anticipatory bail under Section 438 of the Cr.P.C. in case FIR No.0043 dated 30.04.2022 under Sections 353, 186, 332, 506 and 34 of the Indian Penal Code, 1860 and Sections 25 and 27 of the Arms Act, 1959 registered at Police Station Rangar Nangal, District Batala.

2. Vide order dated 18.05.2022 the petitioners had been granted interim anticipatory bail with direction to join investigation and the relevant part of the said order reads as under:-

> *"Learned counsel contends that as per electronic evidence (video clip) relied upon by police, petitioners are not seen with any kind of a weapon, therefore, the custodial interrogation of the petitioners may not be necessary."*

3. Learned counsel for the petitioners submits that in compliance of order dated 18.05.2022, the petitioners have joined investigation and cooperated with the investigating agency. It has also been submitted that the offences under Sections 25 and 27 of the Arms

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Act, 1959 stand deleted by the investigating agency.

4. Learned State counsel, on instructions from ASI Amarjit Singh, does not dispute the factum of the petitioners having joined investigation and cooperated with the investigating agency. He, on further instructions, submits that as per the video clip, the petitioners were not seen with any kind of weapon much less fire arms as had been alleged in the FIR in question. He submits that the petitioners is not required for further investigation much less for their custodial interrogation.

5. In view of the above, the petition is allowed and interim order dated 18.05.2022, is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C.

28.04.2023 (**MANJARI NEHRU KAUL**)
Vinay **JUDGE**

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

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