

S. No.201

2023:PHHC:127003

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

CRM-M-29010 of 2023

Date of Decision:29.09.2023

Parkash Masih alias Sharry

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Rajiv Kumar Saini, Advocate for the petitioner.

Mr. M.S. Nagra, AAG, Punjab.

DEEPAK GUPTA, J. (Oral)

On 02.06.2023, the following order was passed by this Court:-

“The prayer in this petition under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No. 19 dated 18.04.2023 under Section 25 of Arms Act registered at Police Station Kotli Surat Malhi, District Gurdaspur.

Learned counsel for the petitioner submits that co-accused namely Sukhchain Masih was arrested and recovery of one country made pistol .32 bore and 5 live cartridges and .315 bore country made pistol were effected from him. The petitioner has not been named in the FIR. The petitioner was nominated on the disclosure statement made while in custody by said Sukhchain Masih co-accused. He further submits that one Kishal @ Makaa is real brother of the co-accused and due to previous enmity with him as there was quarrel at football tournament in village Dhianpur. It is further submitted that Sukhchain Masih co-accused also earlier made statement against him while in custody in FIR No.05 dated 21.01.2021 under Section 21/29/61/85 NDPS registered at Police Station Kotli Surat Malhi and nominated him but petitioner was granted anticipatory bail (Annexure P-2). The petitioner is involved in one another case but he has been granted bail in that case also.

Notice of motion.

On asking of the Court, Ms. Himani Arora, AAG, Punjab appears and accepts notice on behalf of the respondent-State and seeks time to file status

report. A copy of the paper book be supplied to him during the course of the day.

Adjourned to 29.09.2023.

In the meantime, petitioner is directed to join investigation as and when called by SHO/Investigating Officer and in the event of his arrest, he shall be released on interim 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 as to dissuade him 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 concerned.

Status report be filed on or before the next date of hearing with an advance copy to the counsel opposite.”

It is informed by learned State Counsel, on instructions from ASI Harjit Singh, that in compliance of the order dated 02.06.2023, petitioner has since joined the investigation and he is no longer required for any investigation.

In view of the afore-said statement, order dated 02.06.2023 whereby interim anticipatory bail was granted to the petitioner in the FIR in question, is hereby made absolute. However, the petitioner shall continue to join the investigation as and when required by the Investigating Officer and make compliance of the conditions envisaged under Section 438(2) Cr.P.C.

Disposed of.

September 29, 2023

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(DEEPAK GUPTA)

JUDGE

Whether Speaking/reasoned

Yes/No

Whether Reportable

Yes/No