

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

SR. No.106

CRM-M-33985-2023
Date of decision:17.07.2023

Manish Kumar @ Mani ...Petitioner
Versus

State of Punjab ...Respondent(s)

CORAM: HON’BLE MR. JUSTICE N.S. SHEKHAWAT

Present: Mr. Amjad Khan, Advocate for the petitioner.

N.S. SHEKHAWAT, J.

Petitioner prays for grant of pre-arrest bail in FIR No.0080 dated 09.05.2023 registered under Section 382 IPC and Section 25 of the Arms Act at Police Station, Mataur, District SAS Nagar.

The FIR in the present case was registered on the basis of a secret information received by ASI Rajinder Singh, wherein he alleged that the petitioner alongwith other co-accused were habitual of committing thefts and they were in possession of illegal weapons and they were roaming in a Swift Car bearing Registration No.CH01-AF-9634 in the area of Phase-7, Mohali in order to commit some heinous crime and if they were intercepted, then the commission of some heinous crime might be prevented.

Learned counsel for the petitioner contends that only vague and general allegation have been levelled against the petitioner and he had not committed any crime. Even no such incident, as alleged in the FIR, had happened on that day in Phase-7, Mohali. He further contends that even the alleged Swift Car does not belong to the present petitioner. He further contends that Gagandeep Singh, the principal accused, is inimical towards

the petitioner and he wanted to involve him in a false case. He also contends that the custodial interrogation of the petitioner would serve no meaning purpose.

On an advance notice, Mr. M.S. Bajwa, DAG, Punjab has put in appearance on behalf of the respondent-State of Punjab and he, on instructions from ASI Rajinder Singh, submits that the petitioner is involved in three more cases and keeping in view the gravity of allegations in the present case, the petitioner is not entitled for bail. However, it is not in dispute that the petitioner is on bail in two other cases and in one case, his anticipatory bail is pending for consideration.

I have heard the learned counsel for the parties and perused the case file.

It is not disputed that on the said date, no such incident had taken place in Phase-7, Mohali. However, it has only been alleged that certain persons, who commit theft, are roaming in the area with some deadly weapons. However, the petitioner was not found at the spot and his custodial interrogation may not be required at this stage.

In view of the above, the present petition is allowed. The petitioner is directed to join the investigation as and when required. In the event of arrest, he shall be released on bail to the satisfaction of arresting/investigating officer subject to the conditions envisaged under Section 438 (2) Cr.P.C.

17.07.2023
mks

(N.S. SHEKHAWAT)
JUDGE

Whether Speaking/Reasoned: YES / NO

Whether Reportable: YES / NO