

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-42808-2023
Date of decision: 02.11.2023

BALWAN SINGHPetitioner

Versus

STATE OF HARYANA ...Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present: - Mr. Kanwar Arun Singh, Advocate for
Mr. Amit Choudhary, Advocate for the petitioner.

Ms. Gaganpreet Kaur, DAG, Haryana.

SANJIV BERRY, J. (ORAL)

By way of present petition filed under Section 438 Cr.P.C, the
petitioner seeks anticipatory bail in case FIR (Annexure P-1) as under: -

FIR No.	Dated	Section	Police Station
337	10.11.2022	25 of Arms Act.	City Ratia, District Fatehabad.

2. It is submitted by learned counsel for the petitioner that in compliance with the order dated 29.08.2023, the petitioner has already joined investigation.
3. Learned State counsel, on instructions from ASI Krishan Kumar, has intimated that the petitioner has joined investigation on 03.09.2023 and is not required for further investigation in the matter.
4. During the course of hearing on 29.08.2023, following order was passed:

*“By way of present petition filed under Section 438 Cr.P.C,
the petitioner seeks anticipatory bail in case FIR (Annexure
P-1) as under: -*

<i>FIR No.</i>	<i>Dated</i>	<i>Sections</i>	<i>Police Station</i>
337	10.11.2022	25, 54, 59 of Arms Act, 1959	City Ratia District Fatehabad

2. *Learned counsel for the petitioner, inter alia, contends that the petitioner is innocent and has been involved in the present FIR on the basis of alleged disclosure of the accused, namely Sukhwinder Singh @ Sukhi from whom the recovery of one countrymade weapon, i.e. 315 bore pistol, was effected by the police.*
3. *It is further contended by learned counsel for the petitioner that although the petitioner was involved in two cases earlier but he has been acquitted by the trial Court. He further contends that the alleged disclosure statement has no evidentiary value and the petitioner is ready to join the investigation.*
4. *Notice of motion.*
5. *On the asking of the Court, Ms. Gaganpreet Kaur, DAG, Haryana, present in Court, accepts notice on behalf of the Staterespondent.*
6. *Adjourned to 14.09.2023.*
7. *Needful be done well before the date fixed with an advance copy to the counsel opposite.*
8. *In the meanwhile, the petitioner, is hereby directed to join investigation within seven days and co-operate in the same. In the event of the arrest of the petitioner, he shall be released on interim bail on his furnishing personal/surety bonds to the satisfaction of the Arresting Officer/Investigating Officer. He shall also abide by conditions as envisaged under Section 438(2) Cr.P.C.*

5. Keeping in view the above submissions made by learned State counsel and the fact that the petitioner had joined the investigation

consequent to the order dated 29.08.2023 passed by this Court, interim bail granted vide order dated 29.08.2023 is, hereby, confirmed, subject to conditions as envisaged under Section 438(2) Cr.P.C. Further, the petitioner is directed to join investigation as and when required in future by way of written notice for such purpose to be served by Investigating Officer of this case upon the petitioner; he will not tamper with the evidence nor will influence the witnesses and will not leave the country without prior permission of the Court.

- 6. The petition stands allowed.
- 7. It is made clear that anything contained hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(SANJIV BERRY)
JUDGE

02.11.2023
kanika

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |