

2023:PHHC:062503

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

CRM-M-48468-2022

Date of Decision: 02.05.2023

RAHUL

... PETITIONER

VS.

STATE OF PUNJAB

.. RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Shivender Pal Singh, Advocate for
Mr. B.S.Bhalla, Advocate, for the petitioner.
Ms. Ruchika Sabherwal, DAG, Punjab.

VIVEK PURI, J.(ORAL)

1. On 11.11.2022, the following order was passed:-

“Through this petition, the petitioner seeks anticipatory bail in case bearing FIR No.325 dated 28.11.2020, registered at Police Station Division-B, District Police Commissionerate Amritsar, under Section 336 IPC and Sections 25 and 27 of the Arms Act, 1959.

Learned counsel for the petitioner contends that the petitioner has falsely been implicated in the present case and that he has nothing to do with the alleged offences.

Notice of motion.

On the asking of this Court, Mr. Harkanwar Jeet Singh, AAG, Punjab, accepts notice on behalf of the respondent-State, and seeks time to file the status report.

SI Amritpal Singh, Investigating Officer, present in the Court, is directed to file an affidavit indicating as to what efforts have been made to arrest the accused.

Adjourned to 02.12.2022.

In the meantime, no coercive action shall be taken against the petitioner.”

2. Learned counsel for the petitioner contends that though the name of the petitioner has been reflected in the FIR but the allegations with regard to firing gunshots have been attributed to some unknown persons while the petitioner and other were participating in the birthday party. It has

been further submitted that the affidavit submitted by learned State counsel indicates that subsequent to the stay of arrest, the petitioner has joined the investigation and as per his disclosure statement, Anil Joshi had fired three gunshots in the air from his pistol.

3. Learned State counsel has not disputed the fact that the petitioner has joined the investigation.

4. In the instant case, the allegations with regard to firing in the air have not been attributed to the petitioner and he has joined the investigation.

5. In these set of circumstances, sufficient exceptional circumstances are made out to extend the concession of pre-arrest bail to the petitioner. The petition is allowed and it is directed that in the event of his arrest, the petitioner shall be released on bail to the satisfaction of the Arresting Officer. This order is further subject to the following conditions:-

(i) the petitioner shall make himself available for interrogation by a police officer as and when required;

(ii) the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer and;

(iii) the petitioner shall not leave India without the previous permission of the Court.

02.05.2023
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(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No