

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-50182-2022 (O&M)

Date of decision : 11.05.2023

Arfan Masih @ Roban Masih @ Rafaan Masih

Petitioner

V/S

State of Punjab

Respondent

CORAM : HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: Mr. J.S. Bajwa, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, Senior D.A.G., Punjab
for respondent No.1-State.

Mr. Sanjeev Sharma, Advocate
for the applicant/injured.

ASHOK KUMAR VERMA, J. (ORAL)

CRM-16426-2023

For the reasons mentioned in the application, the same is allowed and the photographs filed by the applicant/injured is taken on record as Annexure R-2/1.

CRM-M-50182-2022 (O&M)

The petitioner has filed the present petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioner in case FIR No.78 dated 13.09.2022 registered under Sections 326, 324, 323, 427, 506, 148 and 149 of the Indian Penal Code, 1860 at Police Station Kahnuwan, District Gurdaspur.

Learned State counsel, on instructions from SI Surjit Singh, submits that although, in compliance with order dated 31.10.2022 passed by the Coordinate Bench of this Court, the petitioner has joined

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the investigation but not cooperating the weapon used in the crime i.e. Datar and Kirpan are yet to be recovered.

In response to the submissions made by learned State counsel, learned counsel for the petitioner submits that the police has already added Section 201 of the IPC.

In view of the above facts and the fact that non-recovery of weapons of offence would be considered by the trial Court at an appropriate stage but without commenting on the merits of the case, the present petition is allowed and the order dated 31.10.2022 granting interim anticipatory bail to the petitioner is made absolute, subject to the conditions laid down in Section 438(2) of the Cr.P.C.

11.05.2023

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(ASHOK KUMAR VERMA)

JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No