

213 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH
CRM-M-1178-2024 (O&M)
Date of Decision: 01.02.2024

...Petitioner

V/S

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. SPS Sandhu, Advocate for the petitioner.

Mr. Subhash Godara, Addl. AG Punjab.

HARPREET SINGH BRAR J. (Oral)

1. Through instant petition, the petitioner is seeking anticipatory bail in case FIR No. 334 dated 30.11.2023 registered under Sections 336 of Indian Penal Code and Sections 25, 27 of Arms Act at Police Station Sadar Amritsar.

2. On 11.01.2024, following order was passed:

“The present petition has been filed under Section 438 of the Code of Criminal Procedure (hereinafter referred to as CR.P.C) for grant of anticipatory bail to the petitioner in FIR No.334 dated 30.11.2023 registered under Sections 336 IPC and Sections 25, 27 of the Arms Act at Police Station Sadar, Amritsar.

Learned counsel for the petitioner, inter alia, contends that the present FIR was lodged on the basis of secret information on the allegation that the petitioner along with his co-accused fired gun shot in the air outside a hotel at Batala Road, Amritsar, due to which, fear was created in the minds of general public. No specific role has been attributed to the petitioner and allegations were vague and general in nature. It is

further contended that similarly situated co-accused namely Baljeet Singh @ Bali has already been granted ad interim anticipatory bail by this Court vide order dated 22.12.2023 passed in CRM-M No.65151 of 2023.

Notice of motion.

On the asking of the Court, Mr. Subhash Godara, Addl. A.G., Punjab, who is present in Court, accepts notice on behalf of the respondent State and opposes grant of anticipatory bail to the petitioner.

*In the meantime, keeping in view the law enunciated by the Hon'ble Supreme Court in **Satender Kumar Antil Vs. CBI (2022) 10 SCC 51; Arnesh Kumar Vs. State of Bihar (2014) 8 SCC 273 and Mohd. Muslim alias Hussain Vs. State (NCT of Delhi) 2023 SCC OnLine SC 352**, at the first instance, the petitioner is directed to appear before the Investigating Officer on or before 18.01.2024 and on his doing so or in the event of arrest, the petitioner shall be admitted to interim bail on furnishing of bail/surety bond to the satisfaction of the Investigating/Arresting Officer. The petitioner shall cooperate with the Investigating Officer and abide by the conditions as provided under Section 438 (2) Cr.P.C.*

If the Investigating/Arresting Officer does not permit the petitioner to join the investigation, the petitioner would appear before the Illaqa Magistrate, who would then summon the Arresting Officer and direct him to join the petitioner in investigation, in terms of the order of this Court.

Adjourned to 01.02.2024.

Nothing observed hereinabove shall be construed as an expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court.”

3. Learned State counsel on instructions from ASI Jaspal Singh, submits that in compliance of order dated 11.01.2024 passed by this Court, the petitioner has joined the investigation and is not required for further custodial interrogation.
4. Keeping in view the statement made by learned State Counsel the order dated 11.01.2024, is made absolute. The petitioner shall abide by the terms and conditions enumerated in Section 438(2) of Cr.P.C.
5. The petition is accordingly allowed.
6. Pending CRM(s), if any, are also disposed of accordingly.

01.02.2024
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No