

2024:PHHC:092951



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

204

CRM-M No.14712 of 2024
Date of decision: 23.07.2024

Gurdev Singh @ Sabha ... Petitioner

Vs.

State of Punjab ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Dinesh Mahajan, Advocate,
for the petitioner.

Ms. Ruchika Sabherwal, Sr. DAG, Punjab,
for the respondent-State.

None for the complainant.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed seeking anticipatory bail in case arising out of FIR No.303 dated 26.09.2023 registered under Sections 336 and 341 of IPC and Sections 25 and 27 of Arms Act, 1959 (Sections 307 and 120-B of IPC added later on) at Police Station Division B, District Police Commissionerate Amritsar.

2. On 21.03.2024, the following order was passed in this case:-

“The present petition has been filed by the petitioner under Section 438 Cr.P.C. for grant of pre arrest bail to the petitioner in case FIR No.303 dated 26.09.2023 and Sections 336,

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341 IPC and Sections 25, 27, 54, 59 of Arms Act (Section 307, 120B of IPC added later on), Police Station B-Division, Amritsar.

Counsel for the petitioner inter alia submits that the petitioner has been falsely implicated in the present case. Even otherwise no one has sustained injuries at the time of alleged occurrence. It is further submitted that the petitioner is ready to join investigation with the police.

Notice of motion

Mr. J.S. Dhaliwal, AAG, Punjab, accepts notice on behalf of the State and Mr. L.M. Gulati, Advocate appears on behalf of the complainant and filed his Power of Attorney, which is taken on record and both of them have submitted that at the time of occurrence, petitioner was armed with fire arm and has fired shots but missed the target and that petitioner is a habitual offender and is involved in 2 other cases. Counsel for the complainant further submits that even now the petitioner is extending threats to the complainant and the entire occurrence was covered in CCTV footage which is already available with the police.

In view of above, the petitioner is hereby directed to join the investigation with the police and in case of arrest, he is to be released on interim bail by the investigating officer/arresting officer to his own satisfaction till the next date fixed in this case. The petitioner is also to abide by the conditions envisaged under Section 438 (2) of Cr.P.C. and the petitioner is also to surrender his licencing weapon and otherwise to furnish affidavit in this Court by

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the next date of hearing.

Now be listed on 30.04.2024.”

3. On 30.04.2024, the learned State counsel has informed that the petitioner had joined investigation and recovery of one dummy pistol and one licenced pistol was effected at his instance and his further custodial interrogation was no more required by the police. As such, this Court is of the opinion that no useful purpose would be served by detaining the petitioner in custody.

4. In view of the above said facts, without commenting on the merits of the case, the present petition is allowed and the order dated 21.03.2024 granting interim bail to the petitioner is made absolute, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

23.07.2024
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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No