

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

CRM-M-24037-2024
Date of Decision : 09.07.2024

HARMANJEET SINGH
.....Petitioner

VERSUS

STATE OF PUNJAB
.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Sarabjit Singh Cheema, Advocate,
for the petitioner.

Mr. Sahil R. Bakshi, AAG, Punjab.

Mr. Piyush Sharma, Advocate,
for the complainant.

KULDEEP TIWARI, J.(Oral)

1. On 14.05.2024, the following order was passed by this Court:-

- “1. Through the instant petition, as instituted under Section 438 of the Cr.P.C., the petitioner has sought the concession of anticipatory bail, in case FIR No.25 dated 19.04.2024, under Sections 341, 323, 506, 148, 149 of the IPC, and, Section 27 of the Arms Act, registered at P.S. Talwandi Sabo, District Ferozepur.
2. The learned counsel for the petitioner, in his asking for the relief (supra), has submitted that the petitioner is quite innocent and the present FIR is the outcome of a political vendetta, whereas, the petitioner had not used any firearm, as alleged. He has further submitted that except Section 27 of the Arms Act, all other offences embodied in the present FIR are bailable offences.
4. At this stage, Mr. Piyush Sharma, Advocate, has recorded his appearance on behalf of the complainant, under a validly executed Vakalatnama, instituted before this Court today. He has opposed the grant of anticipatory bail to the petitioner, on the ground that, he is the person, who had misused his licensed weapon for threatening the complainant.

5. Notice of motion for 09.07.2024.
6. Mr. Pardeep Bajaj, D.A.G., Punjab, accepts notice on behalf of respondent-State of Punjab.
7. Be that as it may, since: (i) the offence under Section 27 of the Arms Act is the only non bailable offence in the present FIR; (ii) the issue "*whether offence under Section 27 of the Arms Act is even made out or not*" is a debatable issue, therefore, this Court deems it appropriate to grant the asked for relief to the petitioner. Consequently, the petitioner is directed to join the investigation and to appear before the investigating agency, as and when called upon to do so. In the event of his arrest, he shall be admitted to interim bail on his furnishing bail bonds to the satisfaction of the Arresting/Investigating Officer. The petitioner shall abide by the terms and conditions as envisaged under Section 438(2) Cr.P.C."

2. At the very outset, learned State counsel, on instructions to him by ASI Sudesh Kumar, submits that though the petitioner has joined the investigation in pursuance to the aforesaid order, but he failed to get recover the weapon of offence, i.e. a pistol.

3. On the other hand, learned counsel for the petitioner submits that in fact the alleged weapon has already been deposited with the gun house concerned, and the receipt thereof has already been supplied to the investigating officer concerned.

4. Since the aforesaid weapon of offence is already lying deposited with the gun house concerned, therefore, the investigating officer has a liberty to access that weapon from there, by adopting the due process of law, and for that purpose petitioner is no more required for any further custodial investigation.

5. In view of the aforesaid, the present petition is **allowed**, and order dated 14.05.2024 is, hereby, made absolute, on the terms and conditions as envisaged under Section 438(2) of the Cr.P.C.

July 09, 2024
dharamvir

(KULDEEP TIWARI)
JUDGE

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