

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-25509-2024
DECIDED ON: 20.05.2024

PARAMVEER SINGH @ PRINCE

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Simranjeet Singh Sarwara, Advocate
for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

The jurisdiction of this Court has been invoked under Section 438 Cr.P.C., for grant of anticipatory bail to the petitioner in FIR No.473, dated 27.11.2023 (Annexure P-1), under Sections 379-B, 34, 411 of IPC, 1860, registered at Police Station Sohana, District SAS Nagar, Mohali.

Learned counsel for the petitioner contends that the petitioner was in custody in another FIR No.474 dated 28.11.2023, under Sections 379-B, 411, 34 IPC and Sections 25 of Arms Act, registered at Police Station Sohana, District SAS Nagar and was made to record forcefully a confessional statement and on that basis, he has been nominated as an accused on 30.12.2023 in the instant FIR despite the fact that prosecution has no other incriminating material to connect him with the present offence.

Notice of motion.

On the asking of the Court, Mr. Rajiv Verma, DAG, Punjab accepts notice on behalf of the respondent-State and on instructions from ASI Rajinder Singh could not controvert the aforesaid fact that during the

custody of the petitioner in another FIR as stated by learned counsel for the petitioner, confessional statement came to be recorded on 30.12.2023 wherein he admitted his involvement in the present FIR and on that basis, has been arrayed as an accused in the instant FIR.

Be that as it may, once learned State counsel could not put forth any other incriminating material except booking the petitioner in the instant FIR merely on the basis of suspicion and his recorded confessional statement while in custody, registration of FIR and the story narrated therein cannot be ruled out to be doubtful.

In the light of above, this petition deserves to be allowed as nothing has to be recovered from the petitioner, therefore, his custodial interrogation is not required.

Hence, the petitioner is directed to be released on anticipatory bail subject to his joining investigation with the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to his satisfaction. The petitioner shall also abide by the terms and conditions as envisaged under Section 438(2) of Cr.P.C.

However, it is made clear that in case the petitioner does not join the investigation and cooperate with the investigating officer, the respondent/State shall be at liberty to move an appropriate application for revival of the instant petition.

The petition in the aforesaid terms stands disposed off.

(SANDEEP MOUDGIL)
JUDGE

20.05.2024

Poonam Negi

Whether speaking/reasoned

Whether reportable

Yes/No

Yes/No