

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

204

2024:PHHC:010313

CRM-M-31721-2023

Date of decision: January 25th, 2024

Abhishek Singh @ Abhishek @ Ambu

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Ajay Pal Singh Rehan, Advocate
for the petitioner.

Mr. Mohit Kapoor, Additional Advocate General, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

Petitioner is seeking the concession of anticipatory bail under Section 438 of the Cr.P.C. in case FIR No.25 dated 28.03.2023 under Sections 336, 506, 148, 149 of the IPC and Sections 25 and 27 of the Arms Act, 1959, registered at Police Station Fatehgarh Churian, Police District Batala, District Gurdaspur.

2. While issuing notice of motion on 05.07.2023, following contentions of learned counsel for the petitioner were recorded:-

“Learned counsel inter alia contends that no doubt an occurrence did indeed take place but it was also a matter of record that the brother-in-law of the complainant’s son had inflicted injuries on the person of the petitioner’s brother, for which a criminal case stood registered against him under Sections 452, 326, 324, 323, 148, 149 IPC. He submits that it was thus, in the aforementioned background, a false and fabricated case has been planted upon the petitioner. Learned counsel further submits that even otherwise, a perusal of the allegations levelled in the FIR, which has been

annexed as Annexure P-1, reveals that the only allegation levelled against the petitioner is of having fired in the air from a country-made weapon and it was also a matter of record that in the alleged occurrence, no injuries were received by the opposite party.”

3. Thereafter, vide order dated 01.08.2023, the petitioner had been granted interim anticipatory bail with direction to join investigation.
4. Learned counsel for the petitioner submits that in compliance of order dated 01.08.2023, the petitioner has joined investigation and cooperated with the investigating agency.
5. Learned State counsel, on instructions, does not dispute the factum of the petitioner having joined investigation and cooperated with the investigating agency. He on further instructions submits that the petitioner is not required for further investigation much less for his custodial interrogation.
6. In view of the above, the petition is allowed and interim order dated 01.08.2023 is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C.

January 25th, 2024
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No