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

CRM-M-39834-2023 (O&M)

Date of decision : 15.01.2024

Gurpreet Singh @ Guri

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Piyush Sharma , Advocate,
for the petitioner.

Mr. Jashan Preet Singh, DAG, Punjab,
assisted by ASI Balwinder Singh.

MAHABIR SINGH SINDHU, J.

Petition under Section 438 of the Code of Criminal Procedure, 1973 has been filed for grant of pre-arrest bail to the petitioner in FIR No.112 dated 22.07.2023, under Section 25 of the Arms Act, 1959, registered at Police Station Sadar Ferozepur.

2. Allegations are that two co-accused, namely, William and Buta Singh were apprehended by an ambush party of the BSF near Village Dulchi Ke and Indian currency of Rs.2,00,000/-; a Scooty bearing registration No.PB-05-AN-9161; one pistol; one empty magazine; and three live ammunition of 7.56 mm KF were recovered from them. On initial questioning of aforesaid co-accused, name of the petitioner surfaced, who is alleged to have taken a sum of Rs.2,00,000/- from the co-accused, and on inquiry, same was got recovered by Balkar

Singh, father of petitioner to the BSF party in the presence of Kikar Singh, Sarpanch.

3. A Coordinate Bench, on 24.08.2023, granted interim bail to petitioner and relevant part of the same reads as under:-

“Relies on order dated 07.08.2023 and contends that the principal accused-William has already been accorded concession of bail by learned Additional Chief Judicial Magistrate, Ferozepur. Further states that no contraband was recovered from petitioner. In any case, it is only a case of recovery of an amount of Rs.2,00,000/- from the petitioner without there being any allegation qua his role invoking provisions of Arms Act which is attributable to the co-accused, who has already been accorded the concession of bail.

Posted it on 11.10.2023.

Meanwhile, petitioner shall join investigation, as and when required by the Investigating Agency and subject to his reporting to the Investigating Officer within two weeks from today, no coercive steps qua arrest of the petitioner be taken. In case, his arrest is required to be caused, petitioner shall be released on bail by the Arresting Officer till the next date of hearing on his furnishing personal bonds to the satisfaction of Arresting Officer. Petitioner shall also abide by all the conditions as envisaged under Section 438(2) Cr.P.C.”

4. Contends that in terms of the aforesaid order, petitioner has already joined investigation and his custodial interrogation is not required.

5. Above factual position is duly acknowledged by learned State Counsel, on instructions from ASI Balwinder Singh and further stated that custodial interrogation of the petitioner is not required at this stage.

6. In view of above, interim order dated 24.08.2023 is made absolute subject to the conditions as envisaged under Section 438(2)

7. It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.
8. The above observations may not be construed as an expression of opinion on merits of the case; rather confined only to decide the present bail matter.
9. Disposed off accordingly.
10. Pending application(s), if any, shall also stand disposed off.

15.01.2024
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(MAHABIR SINGH SINDHU)
JUDGE

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