



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M No.44671 of 2024
Date of decision: 25.10.2024

BALJEET SINGH @ BABBU SOI**.... Petitioner****Versus****STATE OF PUNJAB****.... Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present : Mr. Manu Loona, Advocate for the petitioner.

Ms. Ruchika Sabherwal, Sr. D.A.G., Punjab.

MANISHA BATRA, J. (oral)

1. The present petition has been filed by the petitioner for grant of anticipatory bail in case FIR No.66 dated 18.06.2024 registered under Sections 307, 323, 324, 336, 160, 148 and 149 of IPC and Sections 25 and 27 of Arms Act, at Police Station Arniwala, District Fazilka.

2. Vide order dated 07.08.2024, passed by this Court, the petitioner was released on interim bail and was directed to join investigation. Order dated 07.08.2024, passed by this Court, reads as under:

“The instant petition has been filed by the petitioner seeking pre arrest bail in case arising out of FIR No.66 dated 18.06.2024 registered under Sections 307, 323, 324, 336, 160, 148 and 149 of IPC and Sections 25 and 27 of Arms Act, at Police Station Arniwala, District Fazilka on the basis of a statement recorded by ASI Mohinder Singh alleging therein that on the same day at about 12 pm, when he was performing patrolling duty



in the area of Dhani Ram Dakhi village Chahlawali, a secret information was received that the present petitioner armed with pistol and co-accused who were also armed with weapon along with 4-5 unidentified persons who had created nuisance in the area of Mandi Arniwala, were riding on their vehicles and were following Gurpreet Singh son of Gurmeet Singh resident of Mohammed Amira and Gurpreet Singh son of Joginder Singh resident of Kabulshah Khubban and were present on the link road leading from Village Chahlawali to Ghattianwali Jattan, with an intention to kill the above named two persons and they were firing in the air. Believing the secret information to be true, FIR was registered, investigation proceedings were initiated and are underway. Apprehending his arrest, the petitioner had moved an application for grant of pre arrest bail which had been dismissed by the learned Additional Sessions Judge, Fazilka vide order dated 28.08.2024.

It is argued by learned counsel for the petitioner that the petitioner has been falsely implicated in this case. In fact, an FIR No.65 was registered on 18.06.2024 at Police Station Arniwala with regard to the occurrence that had allegedly taken place on 18.06.2024. The petitioner was not named in the said FIR. On 19.06.2024, a DDR was entered in the FIR No.66 i.e. the FIR of the present case on the basis of statement recorded by Sajanpreet Singh. The petitioner was neither present at the spot nor any specific overt act had been attributed to him. He has been



nominated as an accused only on the basis of secret information. 19 out of 24 accused have been extended benefit of bail. His custodial interrogation is not required. No recovery is to be effected from him. He is ready to join the investigation. Therefore, it is urged that the petition deserves to be allowed.

Notice of motion.

Learned State counsel who has appeared on advance notice of the petition, seeks time to file status report in the matter.

Adjourned to 25.10.2024.

In the meantime, the petitioner is directed to appear before the Investigating/Arresting Officer to join investigation within one week or as and when subsequently required thereafter. In the event of his arrest, the Investigating/Arresting Officer shall release the petitioner on interim bail on furnishing personal/surety bonds to his/her satisfaction. The petitioner shall also abide by the conditions as envisaged under Section 438(2) Cr.P.C. ”

3. Status report dated 24.10.2024 filed on behalf of respondent-State is taken on record.

4. At this stage, on oral request of learned counsel for the petitioner, offence under Section 326 of IPC is ordered to be added in the head note as well as prayer clause of the petition. Registry is directed to make the requisite correction/addition.



5. Learned State counsel has submitted that though the petitioner have joined the investigation on 13.09.2024, however he has not co-operated with the investigating agency and recovery of pistol which he was carrying at the time of occurrence has not been effected. She further submitted that during the course of investigation offence under Section 326 of IPC has also been added. However, it is conceded by her that the petitioner has been joined into the investigation while keeping in view the aforementioned section. Non recovery of any pistol at the instance of the petitioner cannot be considered to be a ground to deny the benefit of bail to him as it is not the case of the prosecution that any such pistol had been used by the petitioner. His custodial interrogation is not required for any other purpose. No useful purpose would be served by detaining him in custody. As such, I find no reason why the petition should not be allowed. Hence, the same is allowed and order dated 09.09.2024 granting interim bail to the petitioner is made absolute, subject to compliance of terms and conditions requisite for grant of anticipatory bail.

25.10.2024
Jyoti-IV

(MANISHA BATRA)
JUDGE

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