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

CRM-M-50471-2023 (O&M)

Date of decision : 07.02.2024

Manish

...Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Siddharth Sihag, Advocate,
for Mr. Sankalp Gehlawat, Advocate,
for the petitioner.

Mr. Kiran Pal Singh, AAG, Haryana.

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.81 dated 09.03.2023, under Sections 307, 427, 148 read with Section 149 of the Indian Penal Code, 1860 (for short, 'the IPC'); and Section 25 of the Arms Act, registered at Police Station, Sector-6, Bahadurgarh.

2. Allegations are that petitioner along with other co-accused, fired on the complainant as well as his brother and inflicted injuries with butt of firearm.

3. This Court, on 30.11.2023, granted interim bail to petitioner and relevant part of the same reads as under:-

“Contends that co-accused, with similar allegations, have already been granted the concession of pre-arrest bail by this Court and reference in this regard has been made to P-3 to P-6.

Learned State counsel seeks time to have further instructions in the matter.

*Posted for **07.02.2024**.*

In the meanwhile, petitioner shall join investigation before the Investigating Officer. In the event of his arrest, the Arresting Officer would admit him to interim bail in the present case, till the next date of hearing, on his furnishing adequate bail and surety bonds to his satisfaction. The petitioner is also directed to abide by all the conditions as envisaged under Section 438(2) of Code of Criminal Procedure, 1973.”

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

5. Although, learned State Counsel, on instructions from the police officer present in Court, duly acknowledged that petitioner has joined the investigation, but opposed the prayer on the ground that weapon used in offence is yet to be recovered and petitioner is involved in another criminal case i.e. FIR No.278 dated 17.12.2019 under Sections 120-B & 307 read with Section 34 IPC and Section 25 of the Arms Act, 1959, registered at Police Station City Bahadurgarh, District Jhajjar.

6. Faced with the above predicament, learned counsel for the petitioner argued that there is no gunshot injury in this case.

7. Heard and perused the paper-book.

8. Concededly, petitioner was granted interim bail vide order dated 30.11.2023 and in pursuance thereof, he joined investigation. So

far as the allegation of gunshot is concerned, the same cannot be gone

into, at this stage, especially when there is no injury to anyone; nor any material has been shown by the prosecution in this regard.

9. Apart that, mere registration of another FIR under Section 307 IPC would not be a ground to deny him pre-arrest bail, when he is already on regular bail in that case.

 Of course, if there is any misuse of concession by petitioner, the State has a remedy to seek cancellation of bail, as per law, in FIR No.278 dated 17.12.2019 (supra).

10. In view of above, interim order dated 30.11.2023 is made absolute, subject to the conditions as envisaged under Section 438(2) Cr.P.C.

11. It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.

12. 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.

13. Disposed off accordingly.

14. Pending application(s), if any, shall also stand disposed off.

07.02.2024
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(MAHABIR SINGH SINDHU)
JUDGE

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