



In the High Court of Punjab and Haryana at Chandigarh

CRM-M No.50885 of 2024(O&M)

Date of Decision: 11.10.2024

Sandeep Singh

.....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Sumit Kalyan, Advocate for the petitioner.

Mr. P.S. Bhandari, AAG, Punjab.

VIKAS BAHL, J.(ORAL)

1. This petition under Section 482 of the Bharatiya Nagrik Suraksha Sanhita, 2023, has been moved for grant of anticipatory bail to the petitioner in case FIR No.127 dated 09.07.2022, under Section 336 of IPC (offences under Section 27, 54, 59 of the Arms Act, 1959, were added later on), registered at Police Station Sadar Ludhiana, District Police Commissionerate, Ludhiana.

2. Learned counsel for the petitioner has submitted that in the present case, FIR No.127 dated 09.07.2022 was initially registered under Section 336 IPC and the petitioner was released on bail and subsequently the offence under Section 27 of the Arms Act, 1959 was added. It is submitted that in view of the same, the petitioner applied for anticipatory bail before the Additional Sessions Judge, Ludhiana, which was dismissed vide order dated 05.10.2024. It is argued that the petitioner was not named in the FIR and that no injury was caused to any person in the incident in question and in fact the petitioner is working as a contractor in the Air Force. It is further



argued that even his licenced weapon has been wrongly recovered by the officials and that since the recovery has already been effected, thus, the custodial interrogation of the petitioner is not required. It is submitted that the petitioner is not involved in any other criminal case and will fully cooperate with the investigation in case the petitioner is granted the concession of anticipatory bail.

3. Learned State counsel, on the other hand, has opposed the present petition for anticipatory bail but could not contradict the arguments raised by the learned counsel for the petitioner. It is submitted that 25 live cartridges have also been recovered from the present petitioner.

4. Keeping in view the abovesaid facts and circumstances, the present petition is allowed and in the event of arrest, the petitioner is granted the concession of anticipatory bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer and the conditions envisaged under Section 438(2) of Cr.P.C. However, the petitioner shall join the investigation as and when called upon to do so.

5. It is made clear, that in case, the petitioner fails to join the investigation or does not cooperate with the investigation, then the State would be at liberty to move an application for cancellation of the present anticipatory bail granted to the petitioner.

OCTOBER 11, 2024
d.gulati

(VIKAS BAHL)
JUDGE

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