

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Crl. Misc. No. M-64479 of 2023
Date of Decision: February 09, 2024

Gurpreet Singh

.....Petitioner

versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE HARPREET SINGH BRAR

Present : Mr. Mandeep Singla, Advocate
for the petitioner

Mr. Subhash Godara, Addl. A.G. Punjab

Harpreet Singh Brar, J. (Oral)

1. Prayer in the petition under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner in case FIR No.95 dated 19.12.2021 registered under Section 25 of Arms Act at Police Station Ajitwal, District Moga.

2. On 21.12.2023, the following order was passed :-

“The present petition has been filed under Section 438 of Cr.P.C. seeking anticipatory bail to the petitioner in a case bearing FIR No.95 dated 19.12.2021 under Section 25 of Arms Act registered at Police Station Ajitwal, District Moga (Annexure P-1).

Learned counsel for the petitioner inter alia contends that the petitioner has neither committed any offence nor recovery has been effected from him. The petitioner has been involved in the present case on the basis of disclosure statement made by co-accused while in police custody which is hit by Section 26 of the Indian Evidence Act. He further submits that the petitioner is having clean antecedents.

Notice of motion.

On the asking of the Court, Mr. I.P.S. Sabharwal, DAG, Punjab who is present in Court, accepts notice on behalf of the respondent-State.

*In the meantime, keeping in view the law enunciated by the Hon'ble Supreme Court in **Satender Kumar Antil Vs. CBI (2022) 10 SCC 51; Siddharam Satlingappa Mhetre Vs. State of Maharashtra and others 2010 SCC OnLine SC 137; Gurbaksh Singh Sibbia etc. Vs. State of Punjab (1980) 2 SCC 565, Arnesh Kumar Vs. State of Bihar (2014) 8 SCC 273 and Sushila Aggarwal Vs. State of NCT Delhi 2020 (1) RCR (Criminal) 833**, at the first instance, the petitioner is directed to appear before the Investigating Officer within two weeks from today and on his doing so or in the event of arrest, the petitioner shall be admitted to interim bail on furnishing of bail/surety bond to the satisfaction of the Investigating/Arresting Officer. The petitioner shall cooperate with the Investigating/Arresting Officer and abide by the conditions as provided under Section 438 (2) Cr.P.C.*

If the Investigating/Arresting Officer does not permit the petitioner to join the investigation, the petitioner would appear before the Illaqa Magistrate, who would then summon the Investigating/Arresting Officer and direct him to join the petitioner in investigation, in terms of the order of this Court.

Adjourned to 09.02.2024.

Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court. ”

3. Learned State counsel, on instructions from ASI Sukhdeep Singh, states that pursuant to order dated 21.12.2023, the petitioner has not joined the investigation, however, learned counsel for the petitioner insists that the petitioner has already joined the investigation.

4. In view of the above, the petitioner is again directed to appear before the concerned Illaqa Magistrate, who would then summon the Investigating/Arresting Officer and direct him to join the petitioner in investigation, in terms of order dated 21.12.2023 passed by this Court. The petitioner shall abide by the terms and conditions enumerated in Section 438(2) Cr.P.C.

5. Petition stands disposed of.

6. Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and trial court shall proceed without being prejudiced by observations of this Court.

(HARPREET SINGH BRAR)
JUDGE

February 09, 2024

reena

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No