(2012) 05 P&H CK 0157

High Court Of Punjab And Haryana At Chandigarh

Case No: Criminal Miscellaneous No. M-12039 of 2012 (O and M)

Parminder Singh @ Pamma	APPELLANT
Vs	
State of Punjab	RESPONDENT

Date of Decision: May 10, 2012

Acts Referred:

- Arms Act, 1959 - Section 25
- Criminal Procedure Code, 1973 (CrPC) - Section 438, 438(2)
- Penal Code, 1860 (IPC) - Section 115, 302, 307, 511

Hon'ble Judges: Ram Chand Gupta, J

Bench: Single Bench

Advocate: Charanjit Sharma, for the Appellant; Palwinder Singh, D.A.G., Punjab, for the Respondent

Judgement

Ram Chand Gupta, J.
The present petition has been filed by anticipatory bail u/s 438 of Code of Criminal Procedure in FIR No. 25 dated 15.3.2012, under Sections 302/511/115 IPC (Section 307 IPC added later on) and Section 25 of Arms Act, 1959, registered at police station City Jagraon, District Ludhiana. I have heard learned counsel for the parties and have gone through the whole record including the impugned order passed by learned Additional Sessions Judge, Ludhiana dismissing anticipatory bail application filed on behalf of the petitioner.

2. This Court while issuing notice of motion on 27.04.2012 passed the following order:-

Crl. M. No. 24492 of 2012

Application is allowed subject to all just exceptions.

Crl. M No. M-12039 of 2012

Contends that it is a case of no injury. It is further contended that it is not believable that in the presence of so many police officials petitioner would run away, whereas his co-accused would be arrested by the police. It is also contended that no recovery is to be effected from the petitioner as the recovery of arms have already been effected from the vehicle in the presence of co-accused.

Notice of motion to Advocate General, Punjab, for 10.5.2012.

However, in the meantime, petitioner is directed to join the investigation and in case he is arrested, he shall be released on interim bail by the Arresting Officer to his satisfaction subject to compliance of conditions specified u/s 438(2) Cr.P.C.

3. It has been contended by learned counsel for the petitioner that he has already joined the investigation pursuant to said order dated 27.04.2012.

4. It has also been stated by learned counsel for the State that petitioner has joined the investigation and that he is no more required for any custodial interrogation.

5. There are no allegations on behalf of the State that petitioner is likely to abscond or that he is likely to dissuade the witnesses from deposing true facts in the Court, if released on bail. Hence, in view of these facts and without expressing any opinion on the merits of the case, the anticipatory bail application filed on behalf of Parminder Singh @ Pamma is accepted and order dated 27.4.2012 granting interim bail in favour of the petitioner is, hereby, made absolute subject to compliance of conditions specified u/s 438(2) Cr.P.C.

The present petition stands disposed of accordingly.