

(2011) 05 P&H CK 0295

High Court Of Punjab And Haryana At Chandigarh

Case No: C.R.M. No. M-10109 of 2011 (O and M)

Mandeep Singh

APPELLANT

Vs

State of Punjab

RESPONDENT

Date of Decision: May 18, 2011

Acts Referred:

- Arms Act, 1959 - Section 25, 27
- Penal Code, 1860 (IPC) - Section 307, 34

Citation: (2011) 3 RCR(Criminal) 81

Hon'ble Judges: Alok Singh, J

Bench: Single Bench

Judgement

Alok Singh, J.

This is an application seeking anticipatory bail in case FIR No. 27 dated 7.3.2011 under Sections 307/34 IPC and 25/27/54 Arms Act, Police Station Malout City, District Muktsar.

2. Learned counsel for the petitioner states that role attributed to the petitioner is raising lalkara and petitioner is not said to have caused any injury. Petitioner is not said to be carrying any weapon. Learned counsel further states that main accused Gurvel Singh, who has caused firearm injury, has already been arrested and weapon of offence has also been recovered from the main accused.

3. Mr. K.D. Sachdeva, learned Additional Advocate General, Punjab, on instructions from ASI Paramjit Singh, who is personally present in the Court, states that only role attributed to the petitioner is raising lalkara and petitioner was not found having fired any shot. He further states that main accused, who has fired the shot and has caused firearm injury, has already been arrested and weapon of offence i.e. gun in question has already been recovered from the accused. He further states that custodial interrogation of the petitioner is not required.

4. Mr. K.S. Bassi, learned counsel appearing for the complainant, has vehemently opposed the bail application.

5. Hon'ble Apex Court in the matter of Siddharam Satlingappa Mhetre v. State of Maharashtra and Ors. 2011 (1) RCR (cri) 126, has observed that irrational and indiscriminate arrest must be avoided.

6. Once prosecution agency is not demanding custodial interrogation and role attributed to the petitioner is raising lalkara, therefore, denial of anticipatory bail would be harsh to the petitioner.

7. Present petition is allowed. It is directed that in the event of arrest of the petitioner, he shall be released on bail by the Investigating Officer/Arresting Officer on furnishing personal bond and two surety bonds of Rs. 20,000/- each subject to the following conditions :-

i) that he shall make himself available for interrogation by a police officer as and when required;

ii) that he shall not directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer;

iii) that he shall not leave India without the previous permission of the Court.

8. It is made clear that in the event of violation of any of the conditions, prosecution shall be at liberty to move for cancellation of the bail.