

(2010) 11 P&H CK 0617

High Court Of Punjab And Haryana At Chandigarh**Case No:** C.R.M No. M-29587 of 2010

Udai Singh

APPELLANT

Vs

State of Haryana

RESPONDENT

Date of Decision: Nov. 8, 2010**Acts Referred:**

- Arms Act, 1959 - Section 25
- Criminal Procedure Code, 1973 (CrPC) - Section 438
- Penal Code, 1860 (IPC) - Section 307, 34

Hon'ble Judges: Mehinder Singh Sullar, J**Bench:** Single Bench

Judgement

Mehinder Singh Sullar, J.

Invoking the provisions of Section 438 Code of Criminal Procedure, petitioner Udai Singh son of Sultan, has instituted the instant petition for anticipatory bail in a case registered against him alongwith his other co-accused, namely, Manoj Kumar, vide FIR No. 222 dated 19.9.2010, on accusation of having committed the offences punishable u/s 307 read with Section 34 IPC and Section 25 of the Arms Act, by the police of Police Station Sector 10-A, Gurgaon.

2. Notice of the petition was issued to the State.

3. After hearing the learned Counsel for the parties, after going through the record with their valuable help and after deep consideration of the matter, to my mind, the present petition deserves to be accepted in this regard.

4. What is not disputed here is that the prosecution claimed that petitioner Udai Singh only asked his co-accused Manoj Kumar to fire shot aiming towards complainant Balwan Singh. Consequently, Manoj Kumar, co-accused of the petitioner fired a shot, but it did not hit any body. Main accused Manoj Kumar has already been arrested and still is in judicial custody. Moreover, the learned State

counsel, on instructions from ASI Rambir Singh, has submitted that the petitioner has already joined the investigation and he is no longer required for interrogation at this stage. Nothing is to be recovered from the petitioner. All the serious allegations are assigned to Manoj Kumar, who has already been arrested.

5. So, taking into consideration the totality of the facts and circumstances, emanating from the record, as discussed here-in-above and without commenting further anything on merits, lest it may prejudice the case of either side during the course of the trial of the case, to me, the present petitioner is entitled to anticipatory bail in the obtaining circumstances of the instant case.

6. Consequently, it is directed that in the event of his arrest, the petitioner shall be released on anticipatory bail on his furnishing bail and surety bonds in the sum of Rs. 10,000/- to the satisfaction of Arresting Officer, subject to the conditions that (i) he shall make himself available for interrogation by the Investigating Agency as and when required; (ii) 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 him from disclosing such facts to the Court or to any police officer and (iii) he will not leave India without prior permission of the trial Court.

7. Needless to mention that in case, the petitioner does not cooperate or join the investigation, the prosecution would be at liberty to move an application for cancellation of his bail, in this relevant connection