

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**CRM-M No. 2199 of 2022 (O&M)
Date of Decision: 06.04.2022**

Gurwinder Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. Birinder Pal, Advocate for
Ms. Shubreet Kaur, Advocate
for the petitioner.

Mr. Bhupender Beniwal, Assistant Advocate General, Punjab
assisted by ASI Sawinderpal Singh.

SURESHWAR THAKUR, J. (ORAL)

1. The petitioner, by filing the present petition under Section 438 Cr.P.C., seeks grant of anticipatory bail in case FIR No. 92 of 13.12.2021, which was registered against him, at Police Station Harike, District Tarn Taran, constituting therein offences under Sections 323, 326, 34 of the Indian Penal Code (IPC for brevity).

2. This Court, through an order made on 08.02.2022, had granted ad interim bail to the bail applicant / petitioner.

3. The incriminatory role as assigned to the bail petitioner, is of his through user of *Datar* causing amputation of index finger of left hand, and, obviously an offence under Section 326 of the IPC, is, prima facie made out against the bail petitioner.

4. This Court would not proceed to make absolute the afore order of 08.02.2022, as, made by this Court, unless the bail petitioner has ensured the effectuation of recovery, at his instance, to the Investigating Officer (IO)

concerned, of the above *Datar*, as became allegedly used, by him, in making

the afore amputation. Moreover, this Court also would not make absolute, the afore order, until and unless, the learned State Counsel had made a submission before this Court, that the condition of the victim injured is stable.

5. Today, the learned State Counsel, on instructions, meted to him, by ASI Sawinderpal Singh, submits that the bail petitioner has ensured the recovery of Datar, at his instance, to the IO concerned. He also, on instructions, submits that the condition of the victim is stable.

6. Given the afore and also when no material has been placed on record by the prosecution suggestive, that the victim / injured, who is a labourer, would in the face of amputation of his index finger of left hand, become completely handicapped, to undertake the avocation of a daily wager, and, also when no evidence has been adduced by the prosecution, that in the event of the bail applicant being enlarged on pre-arrest bail, there is every likelihood of his fleeing from India, and, or, tampering with prosecution evidence. Therefore, this Court does not deem it fit to order for the custodial interrogation of the bail petitioner.

7. Consequently, this Court makes absolute the order made by this Court on 08.02.2022. However, the making of absolute of the afore order shall be subject to the terms and conditions of the order(s) (supra).

8. Disposed of.

9. The pending miscellaneous application, also stand disposed of.

April 06, 2022

'dk kamra'

(SURESHWAR THAKUR)

JUDGE

<i>Whether Speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>