

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

CRM-M No. 2837 of 2022 (O&M)

Date of Decision: 24.05.2022

Raj Kumar

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Ms. Anu Garg, Advocate for the petitioner.

Mr. Tanuj Sharma, Assistant Advocate General, Haryana

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. 0262 of 12.10.2021, which was registered against him, at Police Station Badhra, District Charkhi Dadri, and, constitutes therein offences under Sections 323, 324, 34, 452 & 506 of the IPC.

2. This Court, through an order made on 24.01.2022, had granted ad interim bail to the bail applicant / petitioner.

3. The incriminatory role, as, assigned to the bail petitioner is that his alongwith co-accused, and, with theirs respectively wielded weapons of offence(s) concerned, theirs inflicting injuries on the person of the victim.

4. If so, as a pre-condition for this Court, proceeding to grant anticipatory bail to the present bail petitioner, a direction is required to be made, upon, him to ensure the recovery of the relevant incriminatory weapon of offence, to the Investigating Officer (IO) concerned.

5. However, it is stated by the learned State Counsel, that the bail petitioner has not ensured the makings of recoveries of knife, as, became

alleged to be wielded by him, and, through user whereof, he allegedly inflicted injuries upon the person of the victim. However, since he has also proceeded to state, that for want of the afore recovery, an offence under Section 201 of the IPC has been added, against the present petitioner.

6. In consequence, when punishment, in accordance with law, may become awarded, to the present petitioner, in respect of the afore penal offence. Therefore, when the above imposition of punishment, upon, the petitioner, may prima facie, undo the effect of not makings of recoveries, if any, by the present bail petitioner, to the IO concerned.

7. In sequel, this Court does not deem it fit, and, appropriate to ensure that as a pre-condition for this Court, proceeding to grant anticipatory bail to the present bail petitioner, the latter ensuring the makings of recoveries of knife, to the IO concerned.

8. Since, the learned State Counsel submits, that except for the above, the present petitioner has rendered all the required cooperation, to the IO concerned, besides, when he further submits, that the investigations into the petition FIR are almost over.

9. Given the above, and, also when no evidence has been adduced by the prosecution, at this stage, suggesting that in the event of the bail applicant being enlarged on anticipatory bail, there is every likelihood of his fleeing from justice, and, or, tampering with prosecution evidence.

10. Cumulatively, this Court does not deem it fit to order for the custodial interrogation of the bail applicant. Contrarily, this Court is constrained to make absolute the order made by this Court, on 24.01.2022.

The other terms and conditions made in the order (supra) shall also be

continued to be abided by the petitioner.

11. Disposed of.
12. Since, the main case itself has been decided, therefore, no order is required to be passed in the pending application(s), if any, and, the same also stand(s) disposed of.

May 24, 2022
'dk kamra'

(SURESHWAR THAKUR)
JUDGE

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