

In the High Court of Punjab and Haryana at Chandigarh

**CRM-M No. 3077 of 2022
Date of Decision: 12.5.2022**

Surinder Kumar

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. Shekhar Verma, Advocate
for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

Mr. S.K.Garg Narwana, Senior Advocate with
Mr. R. Kartikeya, Advocate
for the complainant.

SURESHWAR THAKUR, J. (ORAL)

1. The instant petition has been filed under Section 438 Cr.P.C., seeking the indulgence of anticipatory bail to the petitioner.
2. In FIR bearing No. 9 of 9.1.2022, registered at Police Station Titram, District Kaithal, offences constituted under Sections 148, 149, 323, 307, 506, 120-B IPC, and, under Sections 25, and, 27 of the Arms Act, 1959, are embodied.
3. The incriminatory role, as assigned to the present petitioner, is that he was a member of an unlawful assembly. However, the learned State counsel, on instructions given to him, by Inspector Amit Kumar, submits, that irrespective of the factum of the petitioner, being a member of an unlawful assembly, yet he did not either wield any weapon of offence, at the crime site, nor he made any assault with its user, upon the victim concerned.

Consequently, no direction is required to be made upon the present petitioner to ensure his making recoveries of any weapon of offence, to the investigating officer concerned.

4. Be that as it may, since the learned State counsel also submits, on instructions given to him, that the petitioner has also rendered co-operation to the investigating officer concerned, qua the investigations, which are underway in the FIR (supra), and, also when, at this stage, no evidence is adduced before this Court by the prosecution, suggestive of the fact, that in the event of the petitioner, becoming admitted to anticipatory bail, there is every likelihood of his fleeing from justice, and, tampering with the prosecution evidence. In consequence, this Court becomes constrained to admit the present petitioner to anticipatory bail.

5. In nutshell, the instant petition is allowed, and, the order made by this Court on 25.1.2022, is made absolute on the same terms and conditions.

6. The afore observations are meant only for the disposal of the present petition, and, shall not affect the merits of the trial arising from the FIR (supra).

(SURESHWAR THAKUR)
JUDGE

May 12, 2022
Gurpreet

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No