

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

213

CRM-M-4336-2022

Date of decision: 17.05.2022

SANTRA @ SANTRO AND ANR.

.....Petitioners

Versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present : Mr. Ajay Kumar Dahiya, Advocate
for the petitioners.

Mr. Tanuj Sharma, AAG, Haryana

SURESHWAR THAKUR, J. (ORAL)

1. In the instant petition filed under Section 438 Cr.P.C., the bail petitioners claim relief of theirs becoming admitted to anticipatory bail, in respect of FIR bearing No.16 of 19.01.2022, registered at Police Station Loharu, District Bhiwani, embodying therein, offences constituted under Sections 427, 436 and 506 read with Section 34 IPC.

2. In the penal occurrence concerned, the present bail petitioners along with one Surender and Lankeshwar, are alleged, to with a common *mens rea* make their participations therein, and, also are alleged to cause damage to the liquor vend of the aggrieved complainant.

3. When the petition was listed before this Court on 21.03.2022, this Court, had made the hereinafter extracted directions upon the investigating officer concerned :-

“ In the meantime, the learned State counsel is directed to place on record the status report displaying the damage in monetary terms, caused to the liquor vend concerned, through the incriminatory act attributed to the petitioners.”

4. The above made direction has been complied with, and, a reading of paragraph 11 of the status report, as becomes instituted before this court, reveals that the monetary value of the damage caused to the liquor vend, and, to the articles carried therein, becoming comprised a sum of Rs. 52,500/-.

5. Since, the present bail petitioners have co-operated in the relevant investigations, thereupon, their custodial interrogation may not be necessitated. However, only subject to theirs depositing within two weeks from today, in the establishment of the learned trial Court concerned, a sum of Rs. 10,000/- each, which may work as victim compensation to the aggrieved complainant, upon, termination of the trial, as becomes entered into, in the petition FIR.

6. Moreover, 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 petitioners, becoming admitted to anticipatory bail, there is every likelihood of theirs fleeing from justice, and, or tampering with the prosecution evidence. In consequence, this Court becomes constrained to admit the present petitioners to anticipatory bail.

7. In nutshell, the instant petition is allowed, and, the order made by this Court on 03.02.2022, is made absolute on the above terms and conditions.

8. 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).

17.05.2022
kavneet singh

(SURESHWAR THAKUR)
JUDGE

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