

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

CRM-M No. 4724 of 2022

Date of Decision: 18.05.2022

Kuldeep Singh alias Deepa Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. Neeraj Madaan, Advocate, for the petitioner.

Mr. Bhupender Beniwal, Assistant Advocate General, Punjab

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. 13 of 23.05.2018, which was registered against him, at Police Station Vairoke, District Fazilka, constituting therein offences under Sections 353, 186, 341, 427, 506, 148 & 149 of the Indian Penal Code.

2. The incriminatory role, as, assigned to the bail applicant – petitioner in the petition FIR, is with his sharing of common object, with the other members of unlawful assembly, rather preventing the officials of Excise Department, to raid the premises concerned, hence for detecting, and, for making the recoveries of illicit liquor, as, became manufactured therein, besides the further incriminatory role, as, assigned to the members of unlawful assembly is of theirs wielding *Sotas*, and, raising *lalkaras*, for preventing the officials of the Excise Department to make the raid of the premises concerned. Though, on the previous date of hearing, i.e. 26.04.2022, this Court had made the hereinafter extracted order, and, had directed the bail petitioner, and, the Investigating Officer (IO) concerned, to

ensure the recovery at the instance of the bail petitioner, of the *Daang* /

Sota, as became wielded, by him, at the crime site.

“ 1. The order of 09.03.2022, as, made by this Court, has been complied with by the learned Judicial Magistrate concerned.

2. Nonetheless, the learned State Counsel submits, that the bail applicant is to ensure the recovery, at his instance, to the Investigating Officer (IO) concerned, of the Daang / Sota, as, allegedly wielded at the crime site.

3. In respect of the above, the petitioner is directed to co-operate with the Investigating Officer concerned.

4. For an intimation being made with respect to the above, the matter be listed for hearing on 18.05.2022. ”

3. Today, the learned State Counsel, on instructions, given to him, by ASI Gurnam Singh, submits that the present petitioner did not wield at the crime site any *Daang / Sota*. Consequently, and, if so there is no requirement for any insistence being made upon him, to ensure recovery thereof, to the IO concerned, nor, obviously any order is required to be made upon the present petitioner, qua, through his being put to custodial interrogation, his ensuring his making any recoveries thereof, to the IO concerned.

4. Be that as it may, though the official vehicle / Car bearing registration No. PB-22-R-0410 was damaged by the members of the unlawful assembly, but in the above penal event, the petitioner did not participate, rather the damage, to the above vehicle, was caused by the deceased – Desa Singh, the father of the present bail petitioner.

5. If so, though the present bail petitioner there may be sharing a common object with other members of the unlawful assembly, and, more specifically he may be sharing the above common object with the deceased

petitioner is reduced, as, he did not damage the above official vehicle.

6. Given the afore, and, also when no material has been placed on record by the prosecution, suggesting that in the event of the bail applicant being enlarged on pre-arrest bail, there is every likelihood of his fleeing from justice, 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. In sequel, it is ordered that in the event of arrest of the bail applicant-petitioner, he be released on anticipatory bail, by the Investigation Officer, on his furnishing personal and surety bonds in the sum of ₹ 50,000/- each, before him, and, also subject to his not tampering with prosecution evidence, and/or not influencing prosecution witnesses, and, also, as and when he is summoned by the investigating officer, through a written Hukamnama, his cooperating in the investigations to be made into the offence(s) concerned.

8. Disposed of.

9. The original order of 27.04.2018, as, made by the learned Judicial Magistrate First Class, Jalalabad (W), be returned forthwith, to him, after retaining the photocopy of the same for the purpose of records.

May 18, 2022

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**(SURESHWAR THAKUR)
JUDGE**

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