

In the High Court of Punjab and Haryana at Chandigarh**(206)****CRM-M No. 5647 of 2022
Date of Decision: 04.5.2022**

Kapil Nagpal @ Kapil

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKURPresent: Mr. Lekh Raj Nandal, Advocate
for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

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. 27 of 27.1.2022, registered at Police Station Purani Sabzi Mandi, Rohtak, District Rohtak, offences constituted under Sections 324, 506, and, as stated by the learned State counsel, after the receipt of the opinion of the medical practitioner concerned, an offence under Section 307 IPC is added, are embodied.
3. The incriminatory role, as assigned to the present petitioner, is of his through user of a bodkin, inflicting injuries on the person of the victim. The injuries, as became inflicted, upon the victim concerned, are reflected in Annexure R-1, relevant portion whereof becomes extracted hereinafter.

“Sr. No	Injuries	Marked	Injury Number
1.	1. punctured wound of size 0.25 x 0.25 cm present over right side chest just	No	1

above nipple and another wound of same size just below nipple, depth cannot be probed due to casualty. Punctured wound of size 0.25 x 0.25 cm present over abdomen in midline around 20 cm above umbilicus. Depth cannot be probed due to casualty. PS-Surgery opinion”

4. The learned State counsel, in view of the hereinabove extracted injuries, as become entailed upon the person of the victim, in pursuance to an assault, being made, upon him, by the present petitioner, submits that the indulgence of bail, may not be accorded to the present petitioner.

5. However, the afore made submission, before this Court, would hold formidable vigour, only when the petitioner has not ensured the making of the recovery of the above incriminatory weapon of offence, to the investigating officer concerned, and/or if the above made injuries on the person of the victim, had yet led the injured victim to become not discharged from the hospital, and/or, his physical, and, mental condition becoming deteriorated, in sequel to the above injuries becoming entailed upon his person.

6. The learned State counsel, on instructions given to him by ASI Ashok Kumar, submits, that the petitioner has ensured, at his instance, the recovery of the afore weapon of offence, to the investigating officer concerned, and, he further submits, that the mental, and, physical condition of the victim/injured is stable, and, that he has been discharged from the hospital.

7. Consequently, and, also when no evidence is adduced before this Court by the prosecution, suggestive that in the event of the petitioner, becoming admitted to bail, there is every likelihood of his fleeing from

justice, and, tampering with the prosecution evidence. Therefore, this Court

does not deem it fit, and, appropriate to order for the custodial interrogation of the petitioner, as it would unnecessarily fetter, and, curtail his personal liberty.

8. Consequently, the instant petition is allowed, and, the order made by this Court on 10.2.2022, is made absolute on the same terms and conditions.

9. 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 04, 2022
Gurpreet

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