

In the High Court of Punjab and Haryana at Chandigarh

CRM-M No. 8483 of 2022 (O&M)

Date of Decision: 04.8.2022

Jeet Singh and another

.....Petitioners

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: None for the petitioners.

Mr. M.S.Nagra, AAG, Punjab.

SURESHWAR THAKUR, J. (ORAL)

CRM-7244-2022

The application is allowed subject to all just exceptions.

CRM-M-8483-2022

1. Through the instant petition, cast under Section 438 Cr.P.C., the petitioners crave for indulgence of theirs becoming admitted to anticipatory bail, in respect of FIR bearing No. 210 of 26.12.2021, registered at Police Station Sadar Bathinda, District Bathinda constituting therein offences under Sections 341, 324, 323, 506, 148, 149, 325, 326 of the IPC.

2. The present petitioners were the members of an unlawful assaulting assembly, in sequel where to, grievous, and, simple injuries became inflicted, upon the person of the injured victim. Therefore, unless the present petitioners, who are stated by the learned State counsel to, with user of iron rods, inflict on the person of the victim, the above injuries, ensure theirs making recoveries thereof, to the investigating officer concerned, thereupon this Court would not become constrained to admit the present petitioners to pre arrest bail.

3. In the above regard, the learned State counsel submits, that during the course of investigations into the petition FIR, the present petitioners have ensured theirs, making recoveries of the incriminatory weapons of offences, to the investigating officer concerned. Therefore, this Court does not deem it fit, and, appropriate to order for theirs being put to custodial interrogation, as the purpose of this Court ordering for the custodial interrogation of any accused, who, with user of any incriminatory weapon of offence, hence cause injuries, upon the victim-injured, is only, for his during the course of investigations,

ensuring his making recovery of the crime weapon, to the investigating officer concerned. However, when the above has happened, therefore, reiteratedly this Court does not deem it fit, and, appropriate to order for the custodial interrogation of the present petitioners.

4. Moreover, when the learned State counsel submits, that the investigations would be very shortly completed, and, a report under Section 173 Cr.P.C. would become instituted, by the investigating officer concerned, before the learned Magistrate concerned, thereupon, and, also when that at this stage, no evidence has been adduced by the prosecution, suggestive of the fact, that in the event of the bail petitioners being granted anticipatory bail, there is every likelihood of theirs fleeing from justice, and/or, tampering with prosecution evidence, as such, this Court becomes constrained to grant the indulgence of anticipatory bail to the present petitioners.

5. Consequently, the instant petition is allowed, and, the order made by this Court on 28.2.2022, 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

August 04, 2022
Gurpreet

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