

**206 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-9942-2022

Date of decision:05.05.2022

PAWAN KUMAR

...Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. Vikas Bishnoi, Advocate for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

SURESHWAR THAKUR, J. (ORAL)

1. The petitioner, by filing the present petition cast under Section 438 of Cr.P.C., seeks grant of anticipatory bail in case FIR No.398 of 20.08.2021, registered at Police Station City Fatehabad, District Fatehabad, wherein offences constituted, under Sections 323, 341, 506, 120-B of IPC, (Sections 325, 332, 333, 353 of IPC added later on), and, further (Section 201 IPC added later on, as, stated by learned State counsel), are embodied.

2. This Court, through an order made, on 09.03.2022 had granted ad-interim bail to the present bail petitioner.

3. The bail petitioner is alleged to, through user of *danda* cause grievous injuries, upon the person of the victim. Though, as a pre-condition for this Court proceeding to admit, the present bail petitioner to anticipatory bail, it was necessary to ask him, to ensure his causing the recovery of the above incriminatory weapon of offence, to the investigating officer concerned, but since it is stated at the bar, by the learned State counsel, that the bail petitioner has not ensured the effectuation of recovery of the above incriminatory weapon of offence, to the investigating officer concerned. Consequently, the effect of non-effectuation of recovery of the crime *danda* by the bail petitioner, to the

investigating officer concerned, may constrain this Court to reject the instant bail petition. However, since it is also stated at the bar, by the learned State counsel, that since the petitioner after inflicting *danda* blows, upon the victim, threw it, in a fast moving water body, and, that hence its recovery, at the instance of the accused, to the investigating officer concerned, rather was not possible, therefore, he has contended, that the investigating officer concerned, has added an offence, constituted under Section 201 IPC in the FIR (supra).

4. In the wake of the afore submission, this Court does not deem it fit, and, appropriate, merely for want of effectuation of recovery of *danda*, by the bail petitioner, to the investigating officer concerned, to decline the prayed for indulgence to him. The further reason for admitting the bail petitioner to anticipatory bail, arises from the factum of the learned State counsel, intimating this Court, that the patient-victim has fully recovered from the injuries suffered by him, in consequence to an assault being made upon him, by the bail petitioner, and, that both his mental, and, physical condition is stable.

5. In sequel and, also when no evidence becomes placed on record by the prosecution, suggestive that in the event of the bail petitioner being enlarged on anticipatory bail, there is every likelihood of his fleeing from justice, and/or, tampering with prosecution evidence. As a corollary, this Court, is constrained to admit the present bail petitioner to anticipatory bail.

6. In summa the order as made, by this Court, on 09.03.2022, is made absolute on the same terms and conditions. In addition, he shall not tamper with prosecution evidence nor shall influence the prosecution witnesses.

7. Disposed of.

(SURESHWAR THAKUR)
JUDGE

05.05.2022

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Whether speaking/reasoned:- Yes/No

Whether reportable: Yes/No

ITHLESH KUMAR
2022.05.06 10:40
I attest to the accuracy and
authenticity of this order