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

CRM-M-10205-2022

Date of decision:05.05.2022

SINDER SINGH AND ANR

...Petitioners

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. Amit Kumar Walia, Advocate
for the petitioners.

Mr. Sandeep Singh Deol, DAG, Punjab.

SURESHWAR THAKUR, J. (ORAL)

1. The petitioners, by filing the present petition cast under Section 438 of Cr.P.C., seeks grant of anticipatory bail in cross case DDR No.42 of 07.11.2021, registered at Police Station Amargarh, District Malerkotla, wherein become constituted offences carried in Sections 323, 324, 148, 149 of IPC (Section 326 of IPC added later on), and, filed in FIR No.174 of 05.11.2021, registered at Police Station Amargarh, District Malerkotla, wherein offences constituted, under Sections 323, 324, 341, 506, 148, 149 of IPC, (Section 326 of IPC added later on), are embodied.

2. This Court, through an order made, on 10.03.2022 had granted ad-interim bail to the present bail petitioners.

3. The incriminatory role, as assigned to co-petitioner Sinder Singh, is that his with the user of a wooden stick causing injuries, on the person of the victim, whereas, the incriminatory role, as becomes assigned to co-petitioner Satgur Singh, is that his with user of iron *dah* inflicting injuries, upon the person of the victim. This Court would become constrained to not admit to anticipatory bail, the present bail petitioners unless they ensured the making of the recoveries

of the above weapons of offence, to the investigating officer concerned, and/or, the condition of the victim-patient being stable both physically, and, mentally.

4. Today, the learned State counsel, on instructions given to him, by SI Inderjeet Singh submits, that the bail petitioners have ensured the recoveries, at their respective instances, of the above incriminatory weapons of offence, to the investigating officer concerned, and, further states that the apposite injury entailed on the little finger of the victim, has fully recuperated. Therefore, this Court does not deem it fit, and, appropriate to order for the custodial interrogation of the present bail petitioners, as thereupon, their personal liberty shall become unnecessarily fettered, and, curtailed.

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

6. In summa the order as made, by this Court, on 10.03.2022, is made absolute on the same terms and conditions. In addition, they 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