

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

**CRM-M No. 15947 of 2022
Date of Decision: 18.05.2022**

Jatinder Singh @ Tiddi

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. Kanwar Inder Singh, 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. 0043 of 23.05.2021, which was registered against him, at Police Station Lambran, District Jalandhar, and, constitutes therein offences under Sections 323, 324, 427, 148 & 149 of the IPC (Section 326 of the IPC added later on).

2. This Court, through an order made on 20.04.2022, had granted ad interim bail to the bail applicant / petitioner.

3. The learned State Counsel, on instructions, meted to him, by ASI Karnail Singh, submits that, though the present petitioner was a member of an unlawful assembly, but, he did not through user of any weapon of offence cause any injuries, upon, the person of the victim. Contrarily, he submits that the assault made upon the victim, was without, any weapon of offence, being used against him, by any member of the unlawful assembly concerned. He also submits that after completion of investigations into FIR (supra), qua very soon a report under Section 173 of the Cr.P.C., would become instituted, before the learned Magistrate

concerned.

4. Since, no recovery(ies) are hence to be ordered to be effected to the IO concerned, at the instance of the bail petitioner, therefore, it would not be apt to order for the custodial interrogation of the bail petitioner.

5. Given the above, and, also when no evidence has been adduced by the prosecution, at this stage, suggesting that in the event of the bail applicant being enlarged on anticipatory bail, there is every likelihood of his fleeing from justice, and, or, tampering with prosecution evidence.

6. Cumulatively, this Court does not deem it fit to order for the custodial interrogation of the bail applicant. Contrarily, this Court is constrained to make absolute the order made by this Court, on 20.04.2022. The other terms and conditions made in the order (supra) shall also be continued to be abided by the petitioner.

7. Disposed of.

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>