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

CRM-M-16137-2022

Date of decision:04.08.2022

BALVINDER

...Petitioner

Versus

STATE OF HARYANA AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. R.S. Gill, Advocate
for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

Mr. Khalid Tauru, Advocate
for respondent No.2.

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.435 of 08.12.2021, registered at Police Station Gadpuri, District Palwal, wherein offences constituted, under Sections 323, 324, 506, 379-B, 34 of IPC, and, under Section 3 of The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, (later on Section 325 of IPC added, and, Section 379-B of IPC was deleted during the investigation), are embodied.

2. This Court, through an order made, on 09.05.2022 had granted *ad-interim* bail to the present bail petitioner.

3. The learned State counsel as well as the learned counsel for respondent No.2, both make a conjoint statement before this Court that, the offences constituted under Section 3 of The Scheduled Castes, and, the Scheduled Tribes (Prevention of Atrocities) Act, became not committed by the present bail petitioner, but became committed by the brother of the present bail petitioner.

4. If so, and, when the learned State submitting on instructions given to him, by DSP Vijay Pal submits that, the present bail petitioner has caused recoveries of all the relevant incriminatory weapon(s) of offence, to the investigating officer concerned, thereupon this Court does not deem it fit, and, appropriate to order for the custodial interrogation of the present bail petitioner.

5. The further reason which constrains this Court, for admitting the present bail petitioner, to pre-arrest bail, is comprised in the factum, that at this stage, no evidence has been adduced by the prosecution, suggestive that in the event of the bail petitioner being admitted to anticipatory bail, there is every likelihood of his fleeing from justice or tampering with prosecution evidence or influencing the prosecution witnesses.

6. In summa the instant petition is allowed, and, the order as made, by this Court, on 09.05.2022, is made absolute on the same terms and conditions. In addition, he shall not tamper with prosecution evidence, and, nor shall influence the prosecution witnesses.

04.08.2022

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

(SURESHWAR THAKUR)
JUDGE