

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

CRM-M-17889-2022

Date of decision:22.07.2022

RAJWINDER SINGH ALIAS ROBIN SINGH AND ANR

...Petitioners

Versus

STATE OF PUNJAB AND ANR

...Respondents

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Ms. Vanita Sapra Kataria, Advocate
for the petitioners.

Mr. M.S. Nagra, Asst. A.G. Punjab

SURESHWAR THAKUR, J. (ORAL)

1. The petitioners, by filing the present petition cast under Section 438 of Cr.P.C., seek grant of anticipatory bail in case FIR No.65 of 12.07.2021, registered at Police Station Verowal, District Tarn Taran, wherein offences constituted, under Sections 326, 323, 506, 149 of IPC, are embodied.

2. This Court, through an order made, on 29.04.2022 had granted *ad-interim* bail to the present bail petitioners.

3. In the petition penal occurrence, the prosecution allegation against the co-bail petitioner Rajwinder Singh alias Robin Singh, is that, he through wielding a datar, and, qua co-bail petitioner Satinder Singh, is that, through his wielding a kirch, rather both causing injuries on the person of the victim.

4. Though, in the petition FIR an offence under Section 326 of IPC, has also been constituted against the accused arising from theirs through users, of the above weapons of offence, hence causing injuries, on the person of the victim, but the opinion of the Medical Board, as became constituted for

examining the injuries, has made an opinion, rather revealing that, none of the injuries occurring on any portion of the body of the victim, were grievous, rather were simple in nature. Therefore, at this stage, bearing in mind the opinion of the Medical Board, *prima-facie* the offence under Section 326, as is constituted in FIR (supra), may *prima-facie* not have been committed by the present bail petitioners. Therefore, the gravity of the assault, as made by the co-bail petitioners, upon the victim becomes reduced. The further consequence thereof is that, unless the victim has fully recuperated from the injuries, as became entailed upon his person, thereupon this Court may not become constrained to admit the present bail petitioners to pre-arrest bail. However, in the above regard, the learned State counsel, on instructions given to him, by ASI Aftar Singh submits, that the condition of the victim is fully stable. Being so, this Court becomes constrained to admit the present bail petitioners to pre-arrest bail.

5. However, at this stage, the learned State counsel also submits, that the above indulgence, may yet not be accorded to the present bail petitioners, as they have not ensured the makings of recoveries, at their respective instances, to the investigating officer concerned, of the above wielded weapons of offence, by them, at the crime site. However, the above made contention is blunted, as he has further stated, that the want(s) of the above makings of the above recoveries, by the bail petitioners, to the investigating officer concerned, rather stemming, from both making a statement, before the investigating officer concerned, that they have destroyed the weapons, of offence concerned. The further reason becomes comprised in the factum that, the above omission hence by the above, has led the investigating officer concerned, to draw an inculcation against the accused under Section 201 of I.P.C., and, whereupon when they would face a

charge in respect thereof, and, may also become sentenced to undergo imprisonment, as prescribed in respect thereof.

6. Consequently, this Court does not deem it fit, and, appropriate to yet order for the custodial interrogation of the present bail petitioners. Moreover, also when the prosecution, at this stage, has not adduced any evidence, suggestive that in the event of the bail petitioners being admitted to anticipatory bail, there is every likelihood of theirs fleeing from justice or tampering with prosecution evidence or influencing the prosecution witnesses.

7. In summa the instant petition is allowed, and, the order as made, by this Court, on 29.04.2022, is made absolute on the same terms and conditions. In addition, they shall not tamper with prosecution evidence, and, nor shall influence the prosecution witnesses.

8. Disposed of.

22.07.2022

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**(SURESHWAR THAKUR)
JUDGE**

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