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

CRM-M-20074-2022  
Date of decision:08.07.2022

PAWAN @ POND AND ANR

...Petitioners

Versus

STATE OF HARYANA

...Respondent

**CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR**

Present: Mr. Jainainder Saini, Advocate  
for the petitioners.

Mr. Tanuj Sharma, AAG, Haryana.

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**SURESHWAR THAKUR, J. (ORAL)**

1. The instant application has been filed under Section 439 Cr.P.C. FIR No.319 of 03.09.2021, constitutes therein offences under Sections 387, 34 of Indian Penal Code, and, under Section 25 of Arms Act, 1959, and, (Sections 120-B, 201, 341 of IPC added later on), and, is lodged at Police Station Adampur, District Hisar, therein, the incriminating offences are attributed to be committed by the bail petitioners.

2. Both the present bail petitioners along with co-accused Shri Bhagwan, and, Pawan son of Karam Singh, are alleged to attempt to extort Rs. 2 lacs, at the crime site, from the victim-complainant, and, the above offences are alleged to be committed through co-petitioner No.2 one, Ashish planting a pistol, at the temple of the victim-complainant.

3. The investigating officer concerned, has not been able to make recovery of the incriminatory pistol, at the instance, of the co-accused Ashish, who though pointed it, at the temple of the victim-complainant, and,

the reason for, his not handing over the incriminatory pistol to the investigating officer concerned, is comprised in the factum of his subsequently handing it, to co-accused Pawan son of Karam Singh, who however yet has not been arrested, and, obviously only upon his arrest, the investigating officer concerned, may ensure its recovery, at his instance.

4. Therefore, non-effectuation of recovery of the incriminatory pistol, at the instance of co-accused may not work as an impediment with this Court to deny the craved for indulgence of regular to the present bail petitioners. The reason for making the above conclusion arises from the factum that, the judicial custody of the bail petitioners, has commenced on 02.01.2022, and, any further prolongation thereof, through denial of regular bail to them, would obviously unnecessarily fetter, and, curtail their personal liberty.

5. In addition, when at this stage no evidence has been adduced by the prosecution, suggestive that in the event of the bail petitioners being enlarged on regular bail, there is every likelihood of theirs fleeing from justice, and/or, tampering with prosecution evidence, thereupon, this Court becomes constrained to grant the craved for indulgence to them.

6. Consequently, and, also bearing in mind the fact, that the present bail petitioners are suffering incarceration since 02.01.2022, thereupon, this Court deems it fit to grant the benefit of regular bail to them. The instant petition is allowed, and, the petitioners-bail applicants are ordered to be released from judicial custody. However, subject to theirs furnishing personal, and, surety bonds in the sum of ₹50,000/- each, before the learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned, and, also subject to theirs not tampering with prosecution evidence, and,

theirs not influencing prosecution witnesses, and, besides also theirs appearing before the trial Court concerned, as and when directed to make their personal appearances, unless validly exempted.

7. Copy dasti.

08.07.2022

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(SURESHWAR THAKUR)  
JUDGE

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