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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****CRM-M-23320-2022**

Date of decision:09.08.2022

PAWAN KUMAR

...Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. Vikas Bishnoi, Advocate
for the petitioner.

Mr. Bhupender Beniwal, AAG, Punjab

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.319 of 03.09.2021, registered at Police Station Adampur, District Hisar, wherein offences constituted, under Sections 387, 34 of IPC, and, under Section 25 of Arms Act (Section 120-B, 201 of IPC added lateron), are embodied.

2. This Court, through an order made, on 26.05.2022 had granted *ad-interim* bail to the present bail petitioner.

3. Though, the recovery, at his instance of the crime pistol, to the investigating officer concerned, was imperative for this Court becoming constrained to not order for his custodial interrogation, but the learned State counsel submits, on instructions given to him, by the investigating officer concerned, that during the course of the present bail petitioner joining investigations, his making a statement to the investigating officer concerned, that the crime pistol, as became used by him, at the crime site, rather becoming thereafter sold by him, to one, Vishnu son of Dharampal, and, further submits that the investigating officer concerned, has ensured the recovery of the crime pistol

from one Vikas. In consequence, when the recovery of the crime pistol, as, used at the crime site, by the present petitioner has been effected, by the investigating officer concerned, from one Vikas, consequently this Court does not deem it fit, and, appropriate to order for the custodial interrogation of the present petitioner.

4. The learned State counsel yet opposes the grant of pre-arrest bail, to the petitioner, and, submits that the indulgence of anticipatory bail may not be accorded to the present bail petitioner, as he is a habitual offender, and, in case he becomes admitted to anticipatory bail, thereupon, there is every likelihood of his fleeing from justice, and, tampering with prosecution evidence, and, also his influencing prosecution witnesses, besides his re-indulging in criminal activities.

5. Be that as it may, the imposition of stringent conditions, is rather deemed fit and appropriate, for being imposed upon the petitioner-bail applicant, necessarily as a measure to allay, the apprehension (*supra*), as becomes reared by the learned State counsel..

6. In summa the instant petition is allowed, and, the order as made, by this Court, on 26.05.2022, 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. Further, subject to the petitioner-bail applicant making an undertaking before the learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned, that in case, he re-indulges in criminal activities, whereupon, on breach thereof, the order made today, shall become *ipso facto* annulled, and, upon his being forthwith arrested by the investigating officer concerned, the latter shall produce the petitioner-bail applicant before the trial Court concerned, for the latter making an order for his being put to judicial custody.

(SURESHWAR THAKUR)
JUDGE

09.08.2022

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