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

CRM-M-26199-2022

Date of decision:19.07.2022

KULDIP SINGH

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. S.S. Taank, Advocate for the petitioner.

Mr. Bhupender Beniwal, AAG, Punjab

Mr. Kamal Narul, Advocate for complainant.

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.97 of 11.05.2022, registered at Police Station Chheharta, District Police Commissionerate Amritsar, wherein offences constituted, under Section 336 of IPC, and, under Section 25 of Arms Act, are embodied.

2. This Court, through an order made, on 10.06.2022 had granted *ad-interim* bail to the present bail petitioner.

3. The principal offender is one, Mandeep Singh, who, as disclosed by Annexure P-3, has been admitted to regular bail, by the learned JMIC, Amritsar.

4. Since the incriminatory role assigned to the present bail petitioner is not co-equal to that of the principal offender, given his being only present along with him, as an accomplice, at the crime site, thereupon when his role is of a lesser severity or is less heinous, than the one attributed to the principal offender, who has been admitted to regular bail, thereupon this Court does not deem it fit, and, appropriate to order for the custodial interrogation of the present bail petitioner. The further reason for making the above conclusion,

spurs from the factum that the prosecution, at this stage, not adducing any evidence, 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.

5. In summa the order as made, by this Court, on 10.06.2022, is made absolute on the same terms and conditions, and, also subject to his furnishing, if not already furnished, personal, and, surety bonds in the sum of Rs.50,000/- each, to the satisfaction of the arresting officer, and, also subject to his rendering co-operation to him, in the investigations to be carried into the offences mentioned in the present FIR. Moreover, also with an undertaking, that he shall not tamper with prosecution evidence, and, nor shall influence the prosecution witnesses.

6. Disposed of.

19.07.2022

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**(SURESHWAR THAKUR)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable: Yes/No