

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH.**

213

**CRM-M-26723-2022
Date of decision: 02.08.2022**

LACHMI DEVI AND OTHERSPetitioners

Versus

STATE OF PUNJABRespondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present : Mr. Namit Gautam, Advocate
for the petitioners.

Mr. M.S.Nagra, AAG, Punjab.

SURESHWAR THAKUR, J. (ORAL)

1. The instant petition has been filed under Section 438 Cr.P.C., wherein the petitioners seek the indulgence of this court for grant of anticipatory bail.

2. In FIR bearing No.152 of 15.05.2022, registered at Police Station Sahnewal, District Ludhiana, offences constituted under Sections 324, 326, 323, 148, 149 and 427 of the IPC, are embodied.

3. All the bail petitioners were members of an unlawful assembly, and, it is alleged that they flung chilli powder into the eyes of the victim, and, facilitated the principal offender one Ram Saran, to with a kirpan, strike a blow on the left hand finger of the victim.

4. The custodial interrogation, if any, required for the relevant purpose, inasmuch as, for ensuring the recovery of kirpan to the investigating officer concerned, is of the above principal offender, and,

not of the present bail petitioners.

5. Therefore, when the custodial interrogation of the present bail petitioners is not required, nor, also is warranted, as their incriminatory role in the relevant assault, as made upon the victim, is of a lesser gravity, and, lesser severity, than becoming attributed to the principal offender. In sequel, this court does not deem it fit to order for the custodial interrogation, of the present bail petitioner.

6. The further reason for making the afore conclusion, becomes derived from the factum, that no material has been placed on record, by the prosecution, suggestive that in the event of the bail petitioners being enlarged on anticipatory bail, there is every likelihood of theirs fleeing from justice, and/or, tampering with prosecution evidence, thereupon too, it is not deemed fit to decline the relief of pre-arrest bail to the petitioners.

7. In aftermath, the instant petition is allowed, and, the order made by this Court on 17.06.2022, is made absolute, but subject to the bail applicant-petitioners furnishing personal, and, surety bonds in the sum of Rs.25,000/- each, to the satisfaction of the arresting officer. Furthermore, the bail applicant-petitioners, shall also give an undertaking, before the arresting officer, that as and when they are summoned through a written Hukamnama, they shall ensure theirs rendering their cooperation to the investigating officer. Moreover, they shall also give an undertaking, that they shall not influence the prosecution witnesses, nor shall tamper with the prosecution evidence.

8. The afore observations are meant only for the disposal of

the present petition, and, shall not affect the merits of the trial arising from FIR (supra).

02.08.2022
kavneet singh

(SURESHWAR THAKUR)
JUDGE

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