

In the High Court of Punjab and Haryana at Chandigarh

CRM-M No. 27263 of 2022

Date of Decision: 18.7.2022

Saraj @ Laddu

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. Shubham Goyal, Advocate
for the petitioner.

Mr. Bhupender Beniwal, AAG, Punjab.

SURESHWAR THAKUR, J. (ORAL)

1. Through the instant petition, cast under Section 438 Cr.P.C., the petitioner craves for indulgence of his becoming admitted to anticipatory bail, in respect of FIR bearing No. 20 of 29.3.2021, registered at Police Station Arif Ke, District Ferozepur, constituting therein offences, embodied under Sections 336, 323, 506, 148, 149 of the IPC, and, under Sections 25/54/59 of the Arms Act.

2. The incriminatory role, as assigned to the present bail petitioner, is that, he was a member of an unlawful assembly, and, also that he made an assault on the person of the victim.

3. However, the learned State counsel, on instructions, given to him by ASI Harvinderpal Singh, submits that, in sequel to the assault, as, made by the present petitioner, along with the other members of the unlawful assembly, hence on the person of the victim, the latter gained on his person, only simple injuries.

4. Be that as it may, the learned State counsel, on instructions, further submits, that the above simple injuries are attributed to be caused on the person of the victim rather by all the members of the unlawful assembly, inclusive of the petitioner herein, who is stated to, with the user of a silver pot, strike the back of the victim.

5. However, apart therefrom, the prosecution, at this stage, also alleges that the present petitioner was wielding a pistol, at the crime site, and, that with his brandishing it, he threatened to make a life endangering assault, upon the person of the victim.

6. If so, unless the present petitioner causes its recovery to the investigating officer concerned, within two days, thereupon, the craved for indulgence of anticipatory bail, as is being granted to him, shall become *ipso facto* rescinded, leaving liberty to the investigating officer concerned, to forthwith arrest the petitioner, and, thereafter produce him, before the learned Magistrate concerned, for the latter making orders qua his being put to either police custody or to judicial custody.

7. Consequently, and, also when the condition of the victim, is stated to be stable, thereupon, this Court, with condition (*supra*), becomes constrained to accord the craved for indulgence of pre-arrest bail to the present petitioner.

8. In sequel, with condition (*supra*), the instant petition is allowed. The bail applicant-petitioner is admitted to anticipatory bail, and, in the event of his arrest, he may not be arrested by the investigating officer concerned. However, subject to the bail applicant-petitioner furnishing personal, and, surety bonds in the sum of Rs. 50,000/- each, to the satisfaction of the arresting officer. Furthermore, the bail applicant-

petitioner shall also give an undertaking before the arresting officer, that as and when he is summoned through a written Hukamnama, he shall ensure his rendering his cooperation to the investigating officer. Moreover, he shall also give an undertaking that he shall not influence the prosecution witnesses, nor shall tamper with the prosecution evidence.

9. The afore observations are meant only for the disposal of the present petition, and, shall not affect the merits of the trial arising from the FIR (supra).

(SURESHWAR THAKUR)
JUDGE

July 18, 2022
Gurpreet

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