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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****CRM-M-27680-2022**

Date of decision:04.08.2022

LAKHAN RAM ALIAS LAKHAN KUMAR

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKURPresent: Mr. Sherry K. Singla, Advocate
for the petitioner.

Mr. M.S. Nagra, Asst. A.G. 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.66 of 27.05.2022, registered at Police Station Maur, District Bathinda, wherein offences constituted, under Sections 452, 324, 323, 148, 149 of IPC (Section 326 of IPC added lateron), are embodied.

2. This Court, through an order made, on 29.06.2022 had granted *ad-interim* bail to the present bail petitioner.

3. The present bail petitioner was an assaulting member of the unlawful assembly inasmuch as, through his wielding the wooden handle of spade, his delivering a blow thereof on the head of the victim. In consequence to the blow delivered by the present bail petitioner, the victim suffered grievous injuries.

4. Only if the present bail petitioner had ensured his making recovery of the incriminatory weapon of offence, to the investigating officer concerned, and, also only if the condition of the victim was stable, thereupon this Court would become constrained to admit the present bail petitioner, to anticipatory bail, otherwise not.

5. However, it is stated, at the bar, by the learned State counsel on instructions given to him, by ASI Gian Chand, that not only the present bail petitioner has effected the makings of recovery of incriminatory weapon of offence, to the investigating officer concerned, but also the condition of the victim is fully stable.

6. The further reason which constrains this Court, for admitting the present bail petitioner, to pre-arrest bail, is comprised in the factum, that at this stage, no evidence has been adduced by the prosecution, 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.

7. In summa the instant petition is allowed, and, the order as made, by this Court, on 29.06.2022, 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.

04.08.2022

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

(SURESHWAR THAKUR)
JUDGE