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

CRM-M-28652-2022

Date of decision:08.07.2022

SARDOOL SINGH

...Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. J.S. Gill, Advocate
for the petitioner.

Mr. Pradeep Prakash Chahar, DAG, Haryana.

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.52 of 20.02.2022, registered at Police Station Kalanwali, District Sirsa, wherein offences constituted, under Sections 307, 34 of IPC, and, under Sections 25, 27 of Arms Act, are embodied.

2. The genesis of the prosecution version is comprised in the FIR appended with the petition, as Annexure P-2, therein the present bail petitioner, along with three other co-accused namely Bhura Singh, Harish Singh, and, Soni Sunar, are alleged to, with theirs respectively wielding weapon(s) of offence, rather attempting to cause life endangering injuries, upon, the person of the complainant-victim. The complainant-victim was able to save himself from the crime assault, on account of his fleeing from the crime site, and, his taking shelter in a homestead adjoining to the crime site.

3. The incriminatory weapon of offence as wielded, by the complainant-victim, is a 12 bore licensed gun, and, as above stated though shots became fired therefrom, but yet no injuries became entailed, upon the person of the victim. Therefore, though *prima-facie* an offence under Section 307 of IPC, and, the ones embodied in the relevant provisions of the Arms Act, are made out against the present bail petitioner, but yet for the hereafter assigned reasons there is merit in the extant petition.

4. The prime reason becomes comprised in the factum, that no evidence has been placed on record by the prosecution suggestive of the fact, that in the event of the bail petitioner being enlarged on anticipatory bail, there is every likelihood of his fleeing from justice, and/or, tampering with prosecution evidence, besides becomes comprised in the factum of the relevant recovery being effected, by the bail petitioner, to the investigating officer concerned. Consequently, this Court does not deem it fit, and, appropriate to order for the custodial interrogation of the present bail petitioner.

5. The learned State counsel submits that, the present bail petitioner is a habitual offender, and, that hence the according of the craved for indulgence to him, shall result in his rather proceeding to re-indulge in criminal activities, and/or, his abusing the facility of bail, as becomes accorded to him.

6. 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.

7. In consequence, the present petition is allowed, and, in the event of the arrest of the bail petitioner, the investigating officer may not arrest the bail petitioner, however, subject to his furnishing 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 all requisite co-operation(s) to him, if not already meted, 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. 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.

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 the FIR (supra).

08.07.2022

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**(SURESHWAR THAKUR)
JUDGE**

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