

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

105

CRM-M-33491-2022

Date of decision: 01.08.2022

SAHIB SINGH

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present : Mr. Radhe Shyam Sharma, Advocate
for the petitioner.

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 petitioner seeks the indulgence of this court for grant of anticipatory bail.

2. In FIR bearing No.52 of 23.05.2022, registered at Police Station Bahawwala, District Fazilka, offences constituted under Sections 365, 506, 148, 149 of the IPC, and, Sections 25 and 27 of the Arms Act, are embodied.

3. Since with respect to co-accused in the petition FIR, this court, through respectively made orders on 06.07.2022, and, on 13.07.2022, upon CRM-M-27672-2022, and, upon, CRM-M-29542-2022, has admitted the petitioners therein to pre arrest bail.

4. A reading of the FIR discloses that the principal offender, one Harmail Singh, who through wielding a pistol, and, pointing it, at

the temple of victim, had ensured his extorting a sum of Rs. 2 lacs from the victim. Therefore, this court while making a decision, on 06.07.2022, upon CRM-M-27672-2022, had directed the above Harmail Singh to deposit the extorted sum of Rs. 2 lacs, in the establishment of the learned trial Magistrate concerned, but made its disbursement to the concerned, subject to the outcome of the trial, as may become entered upon the learned trial Magistrate. Therefore, the recipient of the above extorted sum of money, is co-accused Harmail Singh, and, not the present bail petitioner, and, who, however has been imposed the above condition by this court, through its order made, on 06.07.2022, upon CRM-M-27672-2022, inasmuch as his depositing, a sum of Rs. 2 lakh, in the establishment of the learned trial Magistrate concerned.

5. Be that as it may, the present bail petitioner is also alleged to collude with co-accused concerned, in extorting the above sum of money from the victim, inasmuch as his also through wielding a *danda*, at the crime site, sharing a penally inculpable mens rea with the other co-accused. Therefore, the present bail petitioner is required to be ensuring his making recovery of the crime weapon, to the investigating officer concerned.

6. In consequence, subject to the present bail petitioner ensuring his forthwith making recovery of the crime *danda*, to the investigating officer concerned, this court becomes constrained to admit him to pre-arrest bail.

7. Moreover, also, when at this stage no evidence has been adduced by the prosecution, suggestive 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, thereupon too, it is not deemed fit to decline the relief of pre-arrest bail to the petitioner.

8. In aftermath, with the condition (supra), the present petition is allowed, and, 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, but 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 FIR (supra).

01.08.2022
kavneet singh

(SURESHWAR THAKUR)
JUDGE

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