

104

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

CRM-M-33914-2022

Date of decision:03.08.2022

ARUN KUMAR @ GONI

...Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. Ashish Pundir, 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.229 of 09.05.2022, registered at Police Station Ambala City, District Ambala, wherein offences constituted, under Sections 307, 323, 324, 148, 149 of IPC, (under Section 506 of IPC, and, Section 25 of Arms Act added later on), are embodied.
2. The present bail petitioner was a member of the assaulting unlawful assembly, and, is alleged to wielding a pistol, at the crime site, and, also fire therefrom shots, at the victim. But, however the victim saved himself from the assault.
3. Even though no pistol shot wounds become entailed, upon the person of the victim, but for avoiding his custodial interrogation the present bail petitioner is required to, ensure his making recovery of the crime pistol, to the investigating officer concerned. Therefore, subject to the present bail petitioner,

within a week from today, causing recovery of the crime pistol, to the investigating officer concerned, thereupon, he is admitted to pre-arrest bail.

4. 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.

5. In aftermath, with the above condition(s) precedent, the present petition is allowed, and, in the event of the arrest of the present bail petitioner, the investigating officer may not arrest the present 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 co-operation to him, 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.

03.08.2022

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**(SURESHWAR THAKUR)
JUDGE**

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