

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

CRM-M-38524-2021

Date of decision:12.05.2022

BHUPINDER SINGH ALIAS PINDA ALISA BHINDA ...Petitioner

Versus

STATE OF PUNJAB ...Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. Gursimran Singh Bawa, Advocate
for the petitioner.

Ms. Bhavna Gupta, DAG, 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.78 of 14.04.2021, registered at Police Station Cantonment, District Police Commissionerate Amritsar, wherein offences constituted, under Sections 323, 324, 325, 341, 506, 148, 149 of IPC (Section 326 of IPC added later on), are embodied.

2. This Court, through an order made, on 29.09.2021 had granted ad-interim bail to the present bail petitioner.

3. The incriminatory role, as assigned to the present bail petitioner in FIR (supra), is of his through user of a sharp edged weapon causing two injuries, upon the person of the victim, one of which is stated to be grievous in nature.

4. This Court would proceed to decline the craved for indulgence, if the present bail petitioner had not ensured, the effectuation of recovery of the sharp edged weapon, as became wielded, and, also became used by him, in causing grievous injuries, upon the victim, to the investigating officer concerned, and/or, if the physical, and, mental condition of the victim became seriously deteriorated, and/or, if evidence surges forth, in respect of, in the event

of the craved for indulgence being granted to the present bail petitioner, there is every likelihood of his fleeing from justice, or tampering with prosecution evidence, and, or his influencing prosecution witnesses.

5. The learned State counsel, on instructions given to her by the investigating officer concerned, submits that the recovery of the incriminatory weapon of offence has been made by the present bail petitioner, to the investigating officer concerned. Moreover, when in the reply on affidavit filed to the present petition by the State, it is revealed that the physical, and, mental condition of the patient-victim has not suffered any deterioration. Therefore, in the wake of the afore, this Court becomes constrained to admit the present bail petitioner, to anticipatory bail.

6. The further reason for this Court being constrained to do so is grooved 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 enlarged on anticipatory bail, there is every likelihood of his fleeing from justice, and/or, tampering with prosecution evidence.

7. In summa the order as made, by this Court, on 29.09.2021, is made absolute on the same terms and conditions. In addition, he shall not tamper with prosecution evidence nor shall influence the prosecution witnesses.

8. Disposed of.

(SURESHWAR THAKUR)
JUDGE

12.05.2022

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Whether speaking/reasoned:- Yes/No

Whether reportable: Yes/No