

In the High Court of Punjab and Haryana at Chandigarh

**CRM-M No. 52059 of 2021
Date of Decision: 22.3.2022**

Anmol @ Kavi

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. Vinay Kumar, Advocate
for the petitioners.

Ms. Bhavna Gupta, DAG, Punjab.

SURESHWAR THAKUR, J. (ORAL)

(Through video conferencing)

1. In FIR bearing No. 87 of 22.5.2020, registered at Police Station Ghuman, District Batala, the offences constituted under Sections 353, 324, 323, 186, 189, 506, 149 IPC, are embodied.
2. The incriminatory role, assigned to the petitioner-bail applicant in FIR (supra), is, that his along with other co-accused, inflicting nail injuries on the person of the complainant/victims. Moreover, the present petitioner along with other co-accused, is alleged to scuffle with the police officials concerned, and, also to abuse, and, mete threatings to eliminate them. However, in the FIR concerned, there is no mention about the present petitioner-bail applicant along with other co-accused concerned, rather tearing the uniforms, worn at the relevant time, by the police officials concerned.
3. The learned State counsel, on instructions, given to her by ASI Palwinder Singh, submits that, the investigations into the FIR (supra) are

likely to conclude very shortly, and, that very soon, a report under Section

173 Cr.P.C. would be filed. Given the afore made statement, and, also when neither the uniforms worn, at the relevant time, by the police officials concerned, are alleged to be torn, by the accused concerned, and, nor when any weapon of offence became used by the accused concerned, for theirs respectively inflicting injuries, upon the person of the police officials concerned, rather when the incriminatory role attributed to the petitioner-bail applicant, and, the other co-accused concerned, is of the accused concerned inflicting nail injuries, on the person of the victims.

4. Therefore, this Court does not deem it fit, and, appropriate to order for the custodial interrogation of the petitioner, as it would unnecessarily fetter, and, curtail his personal liberty.

5. However, the learned State counsel submits, that since the bail applicant-petitioner is a habitual offender, thereupon, in case the facility of bail is granted to him, there is every likelihood of his re-indulging in penal activities.

6. However, the vigour of the afore made submission, of the learned State Counsel, before this Court, can be mitigated, by imposition of stringent conditions, upon the petitioner-bail applicant.

7. Consequently, the instant petition is allowed, and, the order made by this Court on 14.12.2021, is made absolute on the same terms and conditions. However, in case, the bail applicant-petitioner re-indulges in criminal activities, thereupon, it is open to the investigating officer concerned to forthwith arrest the bail applicant-petitioner, and, thereafter to produce him before the learned Magistrate 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).

9. Disposed of.

(SURESHWAR THAKUR)
JUDGE

March 22, 2022
Gurpreet

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