

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M No. 2921 of 2015 (O&M)

Date of decision : February 06, 2015

Vijay Kumar and another,

..... Petitioners

v.

State of Punjab,

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Hemant Saini, Advocate
for the petitioners.

Ms. Amarjit Kaur Khurana, Addl. A.G Punjab

Mr. Salil Bali, Advocate
for the complainant.

- 1. Whether Reporters of Local Newspapers may be allowed to see the judgment ?**
- 2. To be referred to the Reporters or not ?**
- 3. Whether the judgment should be reported in the Digest ?**

Ajay Tewari, J (Oral)

The petitioners seek grant of anticipatory bail in case FIR No.219, dated 26.10.2013, registered under Sections 452, 324, 34, 304, 420, 120-B of the IPC, at Police Station Guru Har Sahai, District Ferozepur.

An FIR was lodged by Manohar Lal alleging that Joginder Pal, Gulshan Kumar and Rajinder Kumar came to his house and assaulted his son Ashok. Subsequently, a cross case for having caused injuries to Joginder Pal was registered against the complainant. It is not disputed that Joginder Pal died within three days of the injuries. During investigation, the

police found that actually Joginder Pal had got these injuries inflicted by a friendly hand in order to save himself and his companions and to involve the original complainant side. It was this mis-adventure which cost him his life. The allegation against the present petitioners is that they accompanied Joginder Pal to the doctor where those fraudulent injuries were allegedly created.

Counsel for the petitioners has argued that at best the allegations against the petitioner is that they helped Joginder Pal in trying to create false evidence. As per him, the petitioners are ready to join the investigation and the allegations against them do not warrant their custodial interrogation.

The factual assertions, noticed above, have been accepted by both counsel for the complainant as well as counsel for the State of Punjab.

Counsel for the complainant has, however, pointed out that there is contemporaneous phone record of the petitioners talking to Dr. Punjab Singh who has incidentally been arrested for having caused death of Joginder Pal.

Counsel for the State of Punjab, on instructions from ASI Gurjant Singh, submits that the matter is now under the direct supervision of the Senior Superintendent of Police, Ferozepur.

Keeping the entire conspectus of the facts in mind, and the allegations against the present petitioners, I do not deem it appropriate to deny them the concession of anticipatory bail. Consequently, the petitioners are directed to appear before the Investigating Officer on 16.02.2015 or on any other day on which the Investigating Officer requires their presence,

and in the event of their arrest, the petitioners shall be released on anticipatory bail by the Investigating Officer to his satisfaction subject to the compliance of the provisions as contained in Section 438(2) of the Cr.P.C.

The petition stands disposed of.

(AJAY TEWARI)
JUDGE

February 06, 2015
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