

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

CRM-12226 of 2015 In/and
CRM-M-9708 of 2015
Date of Decision: 20.04.2015

Ravi Kumar and others

....Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MRS. JUSTICE SNEH PRASHAR

Present: Mr. Arun Takhi, Advocate for
Mr. S.S. Hira, Advocate
for the petitioner.

Ms. Simsi Dhir Malhotra, DAG, Punjab.

SNEH PRASHAR, J.(Oral)

CRM-12226 of 2015

This is an application filed by respondent No.2 for placing on record the affidavit of respondent No.2 Ranbir Singh alongwith annexures R1 to R3.

The application is allowed. The affidavit and the documents annexed with the same are taken on record subject to all just exceptions.

CRM-M-9708 of 2015

1. This is a petition filed by Ravi Kumar, Ajay Mal and Vijay Kumar for grant of anticipatory bail in complaint No.03 dated 03.01.2009 titled as Ranvir Singh Versus Harjinder Singh @ Biru and others under Sections 120-B, 148, 307, 326, 325, 324, 323, 149 of the Indian Penal Code and under Section 3 and 4 of SC/ST (Prevention of Atrocities) Act, 1989 filed by respondent No.2 Ranvir Singh and pending in the Court of

Additional Chief Judicial Magistrate, Hoshiarpur.

2. Learned counsel for the petitioners submitted that at the first instance on the basis of statement of complainant Ranvir Singh, First Information Report was registered by the Police but after investigation, as the allegations were found to be false a report for cancellation of the First Information Report was filed. Subsequently, respondent No.2 filed a complaint and on the basis of evidence led by him, petitioners alongwith co-accused were summoned for commission of offence under Section 120-B, 307, 326, 324, 323, 325, 148 read with Section 149 of the Indian Penal Code.

Learned counsel further submitted that neither in the First Information Report nor in the complaint the complainant named petitioner No.1 Ravi Kumar as an assailant. Also, no specific injury was attributed to petitioner No.3 Vijay Kumar. All the petitioners belongs to Schedule caste category and as such the provisions of SC/ST (Prevention of Atrocities) Act, 1989 are not attracted against them. As regards petitioner No.2 learned counsel contended that two injuries on left arm were attributed to him but the fact is that he had been falsely implicated for settling some other scores. It was further added by learned counsel that one of the accused, namely, Saroj Bala has been allowed anticipatory bail by this Court and two other accused to whom injuries were attributed have already been enlarged on regular bail.

3. The petition has been opposed by counsel for respondent No.2. He submitted that complainant-respondent No.2 was severely injured by the petitioners and other co-accused who were henchmen of Saroj Bala and

Daljit Singh Khakh.

4. The incident in respect of which the complaint had been filed was alleged to have taken place on 30.06.2006 at 9:15 pm. Admittedly neither in the first complaint lodged by respondent No.2 Ranvir Singh nor subsequently in the complaint filed by him in the year 2009 petitioner No.1 Ravi Kumar was named by him. Against petitioner No.3 Vijay Kumar the allegation of respondent No.2 was that he alongwith Parshotam and Goldy had caused him injuries when he fell down. No specific injury was attributed to him and the name/nature of the weapon with him was also not mentioned.

5. In view of aforesaid facts and circumstances and without going into the merits of the case petitioners No.1 and 3 are directed to appear before learned trial Court within 10 days and on their appearance they will be admitted to bail to the satisfaction of learned trial Court.

As far as petitioner No.2 namely Ajay Mal is concerned, the allegation against him is that he had caused two injuries to the complainant with a sharp edged weapon. Least any expression above may cause prejudice the case on either side the petition qua him is dismissed.

April 20, 2015
rashmi

(SNEH PRASHAR)
JUDGE