

CRM-M-29583-2016
Date of Decision : 17.10.2016

versus

State of Punjab and another Respondents

CRM-M-31022-2016
Date of Decision : 17.10.2016

versus

State of Punjab and anotherRespondents

CORAM : HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. Saurabh Kapoor, Advocate
for the petitioner- in both petitions.

Ms. Simsi Dhir Malhotra, DAG, Punjab.

M.M.S. BEDI, JUDGE (ORAL)

This order will dispose of two petitions, one filed by Bimal @ Vimal Bisbal (CRM-M-29583-2016) and other by Kedar Nath (CRM-M-31022-2016) for grant of pre arrest bail in case FIR No. 44 dated 12.03.2016 under Sections 304, 34 IPC registered at the instance of Pankaj Kumar alleging that on 11.03.2016, the complainant along with his father Parkash Chand were stopped by the petitioners and they were abused. Father of the complainant was pushed by petitioner-Kedar Nath while petitioner-Bimal kept on abusing him. The petitioner, Bimal is attributed only abuses whereas specific overt act of having pushed the

deceased is attributed to Kedar Nath.

Pursuant to the interim orders passed by this Court both the petitioners have joined investigation.

Learned counsel for the petitioners has submitted that the petitioners have been involved in the case, on account of dispute between landlord and the tenants. The petitioners are tenants of the complainant and there was dispute regarding payment of rent and proceedings for eviction have been filed against the mother of petitioner, Bimal Kumar.

I have considered the facts and circumstances of the case. In view of the roles attributed to the petitioners, no ground is made out to grant the concession of pre-arrest bail to petitioner Kedar Nath whereas in view of no specific injury having been attributed to petitioner- Bimal @ Vimal Bisbal, he can be granted the concession of pre-arrest bail. The application of Bimal @ Vimal Bisbal (CRM-M-29583-2016) is allowed. It is ordered that in case of arrest of petitioner - Bimal @ Vimal Bisbal, he shall be released on bail to the satisfaction of the arresting officer subject to condition that he will join investigation as and when required and will not tamper with the evidence or hamper the investigation, in any manner.

This order will remain operative till the presentation of challan. Petitioner - Bimal @ Vimal Bisbal will be required to seek the concession of regular bail depending upon his role during the course of investigation.

Application of petitioner - Kedar Nath (CRM-M-31022-2016) for grant of pre-arrest bail is dismissed.

17.10.2016

Neha

(M.M.S. BEDI)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No