

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

CRM M- 6931 of 2016
Date of Decision: March 29, 2016

Kassam Din and others

.....Petitioners

Vs.

State of Punjab

.....Respondent

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

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Present:- Mr.M.L. Saini, Advocate
for the petitioners.

Mr. Jashanpreet, Singh, AAG, Punjab.

Mr. Vibhor Bansal, Advocate for the complainant.

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

Petitioners seek the concession of pre-arrest bail in a case registered at the instance of Abhi Mohammad alleging that on September 29, 2014, the complainant and his family while sleeping were assaulted by 10/12 unidentified persons with muffled faces and took away cash, jewellery and mobile phone.

So far as petitioners are concerned, their names were included on the basis of supplementary statement of complainant. The petitioners were found innocent during the course of inquiry. After having been

summoned as additional accused, the petitioners seek concession of pre-arrest bail.

Counsel for the complainant has intervened to oppose the petition for pre-arrest bail contending that there are serious allegations against the petitioners of having inflicted injuries on the person of complainant and one lady. Counsel for the complainant has contended that one of the injured lady has died.

I have heard learned counsel for the petitioners, counsel for the complainant and gone through the record. A perusal of the police file indicates that the petitioners were declared innocent during the course of investigation. The names of the petitioners were not even in column No.2. They have been summoned in the exercise of powers under Section 319 Cr.P.C. by the trial Court on the basis of the statement of the complainant made in the Court. A dual version has already cropped up in favour of the petitioners. The petitioners have put in appearance before the trial Court pursuant to the interim orders.

In view of the above, the petition is allowed. The interim order dated February 26, 2016 is hereby made absolute. It is ordered that the petitioners were remain on bail against the bail bonds furnished by them pursuant to the interim orders subject to the conditions that they will not tamper with the evidence and will not delay the proceedings by adopting any delaying tactic.

March 29, 2016
sanjay

(M.M.S.BEDI)
JUDGE