

223-a **IN THE HIGH COURT OF PUNJAB AND HARYANA**
 AT CHANDIGARH

Criminal Misc. No.M- 26223 of 2017 (O&M)

Date of decision : September 15, 2017

Balvir Chand

.....Petitioner

Versus

State of Punjab

....Respondent

Criminal Misc. No.M- 26262 of 2017 (O&M)

Naresh Kumar @ Papri

.....Petitioner

Versus

State of Punjab

....Respondent

Criminal Misc. No.M- 27031 of 2017 (O&M)

Kewal Krishan

.....Petitioner

Versus

State of Punjab

....Respondent

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Kawaljyot Singh, Advocate
for the petitioners.

Mr. Devinder Bir Singh, DAG, Punjab.

Mr. Abhay Kumar Sharma, Advocate
for the complainant.

LISA GILL, J.

This order shall dispose of three petitions i.e. Criminal Misc. Nos. M- 26223, 26262 and 27031 of 2017. The facts of the case are extracted from CRM-M-26223-2017 for the sake of convenience.

The petitioners seek the concession of anticipatory bail in FIR No. 84 dated 15.06.2017 under Sections 323, 354, 341 IPC and Section 325 IPC (added later on) registered at Police Station Sadar, Phagwara.

It is contended that there is a dispute regarding property

between the parties. FIR No. 37 dated 15.06.2017 was registered against the

complainant-party at 11.42 hours. In respect to the petitioners in CRM-M-26223 and 26262 of 2017, it is submitted that the allegations attracting the rigours of Sections 354, 325 IPC if at all, are not qua the said petitioners. Present is admittedly a case of version and cross version. Moreover, the said petitioners have joined investigation pursuant to interim order dated 16.08.2017 (in CRM-M-26223 and 26262 of 2017). The said petitioners are not involved in any other criminal case.

In respect to the petitioner – Kewal Krishan (in CRM-M-27031-2017), it is submitted, that he has needlessly been involved due to the property dispute. Section 354 IPC has been added with an oblique motive.

Heard, learned counsel for the parties.

Learned counsel for the State, on instructions from HC Balwan Singh, verifies that the petitioners (in CRM-M-26223 and 26262 of 2017) have joined investigation and their custodial interrogation is not required. They are not reported to be involved in any other criminal case.

There are no allegations on behalf of the State that the said petitioners are likely to abscond or that they are likely to dissuade the witnesses from deposing true facts in the Court, if released on bail.

In respect to the petitioner – Kewal Krishan, a perusal of the FIR reveals specific allegations against him attracting the rigours of Section 354 IPC. There is no ground for affording the concession of anticipatory bail to the petitioner – Kewal Krishan.

Keeping in view the facts and circumstances noted above but without expressing any opinion on the merits of case, it is considered just and expedient to allow CRM-M-26223 and 26262 of 2017. Consequently,

order dated 16.08.2017 (in CRM-M-26223 and 26262 of 2017) is made absolute.

CRM-M-27031 of 2017 is, accordingly, dismissed.

It is reiterated that none of the observations made herein above are a reflection on the merits of the case and shall have no bearing on the trial/investigation.

September 15, 2017
rts

(Lisa Gill)
Judge

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No