

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

**CRM-M No.19956 of 2019 (O&M)
Date of decision : 15.05.2019**

Kuldeep Singh & ors.

..... Petitioners

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Ms. Ekjot Sandhu, Advocate
for the petitioners.

Ms.Amarjit Kaur Khurana, DAG, Punjab.

AJAY TEWARI, J. (Oral)

This petition has been filed under Section 438 Cr.P.C. for seeking directions to the IO/SHO/Arresting Officer/Illaqa Magistrate/Duty Magistrate of Police Station City Barnala to release the petitioners on bail in the event of their arrest in case F.I.R. No.0087 dated 19.03.2019 registered under Sections 452/326/324/323/506/148/149 IPC at Police Station City Barnala.

As per the allegations, the petitioners No.1 & 2 first accosted the complainant near the college road and started abusing him but he somehow managed to save himself and went home and told his wife. She put him in the rear of the house and locked the door and went up but the

petitioners alongwith one Golu trespassed into his house, broke the lock and the door, dragged him out where Golu and Vijay Kumar who were armed with kirpan first gave him blows which he took on his hand. He fell down and then all of them gave him injuries which could not be seen by the eyes and then escaped.

The precise contention of the learned counsel for the petitioners is that the petitioners had no role nor they were present. Apparently the complainant had some altercation with Vijay Kumar and Golu and along with naming them he has named the present petitioners also because of previous enmity.

Learned Deputy Advocate General on instructions from ASI Karamjit Singh states that the petitioners are guilty of having trespassed into the house of the complainant and dragged him out of the house and then thereafter gave him injuries. As per the MLR there are four injuries on the person of the victim i.e. two on the fingers which are grievous and two simple injuries.

In my opinion, it is not a fit case where the petitioners be subjected to pre-trial custody. In the circumstances, I do not deem it appropriate to deny the concession of anticipatory bail to the petitioners. Resultantly, the petition is allowed. In the event of arrest of the petitioners, they shall be released on bail to the satisfaction of the Investigating Officer subject to the conditions envisaged under Section 438(2) Cr.P.C.

The petitioners are directed to appear before the investigating officer on 27.05.2019 and on any other date as and when their presence is required.

Since the main case has been decided, the pending criminal miscellaneous application, if any, also stands disposed of.

15.05.2019

pooja sharma-I

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable :	Yes/No