

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

1. CRM-M-51340-2018

Ravinder Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

2. CRM-M-53465-2018

Robert Masih

..... Petitioner

Versus

State of Punjab

..... Respondent

Date of decision: 27.05.2019

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

PRESENT: Dr. Anmol Rattan Sidhu, Senior Advocate with
Mr. Pratham Sethi, Advocate for the petitioner(s).

Ms. Sudeepti Sharma, Addl. AG, Punjab.

Mr. BS Batth, Advocate for the complainant.

RAMENDRA JAIN, J. (ORAL)

By this common judgment, above titled two petitions filed by the petitioner(s) under Section 438 Cr.P.C., for grant of anticipatory bail to the petitioner(s) are being disposed of, being arisen out of same FIR, bearing FIR No. 62 dated 24.07.2018 registered under Sections 364, 307, 452, 342, 148, 149, 120-B IPC (Section 325 IPC added lateron) and Section 25 of the Arms Act, at Police Station Tibber, District Gurdaspur. For brevity, the facts are being extracted from CRM-M-51340-2018.

According to the prosecution, in the intervening night of

23/24.07.2018, the petitioners along with their co-accused, namely; Gurwinder Singh and 9-10 un-identified persons, trespassed the house of complainant-Dial Singh by breaking open the door of his house and gave him severe beatings. Co-accused of the petitioners, namely; Gurwinder Singh, by taking revolver of the complainant, kidnapped him on gun point and took Dial Singh to his tubewell with an intention to kill him and further gave beatings to him. Thereafter, they brought the complainant to his house. Gurwinder Singh, fired two shots from his revolver i.e. one on the outer gate and another on the left leg of Robert Masih-petitioner (in CRM-M-53465-2018), to rope the complainant in a false case by concocting a false story to conceal the offence committed by them. Thereafter, tying the complainant with rope and placing revolver over him they called the police.

Learned counsel *inter alia* contends that both the petitioners are innocent. The police with an intention to falsely rope the petitioners, on the basis of supplementary statement of the father of complainant recorded on 19.08.2018, whereby he entirely changed the earlier version, narrated by the complainant, on the basis of which aforesaid FIR was registered. It is quite strange that father of the complainant remained silent for around 26 days and did not approach the police to un-earth the real story, which the complainant narrated earlier to the police. No recovery has to be effected from the petitioners.

On the other hand, learned State counsel assisted by learned counsel for the complainant vehemently opposing the above submissions of learned counsel for the petitioners contends that bail application of

co-accused-Gurwinder Singh, has already been dismissed by this Court, vide order dated 13.09.2018, passed in CRM-M-40114-2018. Case of both the petitioners is on the same footing, therefore, their prayer for grant of anticipatory bail is to be treated at par with that of their co-accused. The cross-case which was falsely got registered by the petitioners against the complainant has already been cancelled, on finding him innocent during investigation, inasmuch as, the same was found to be based on falsehood. Apart from this case, both the petitioners are booked in two more cases of heinous crime under Section 307 IPC. They are habitual offenders.

Having given thoughtful consideration to the rival submissions, considering the seriousness of allegations against the petitioners and further that they in connivance with each other wanted to grab the property of a 'Non-Resident Indian', by creating fear in his mind, giving beatings to him and making efforts to falsely implicate him in a criminal case, this Court is not inclined to grant the concession of anticipatory bail to them.

Accordingly, both the petitions are dismissed.

May 27, 2019

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**(RAMENDRA JAIN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No