

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

214

1. CRM-M No. 47220 of 2019 (O & M)

Date of decision : 16.12.2019

Sarmail Singh

.....Petitioner

Vs.

The State of Punjab

.....Respondent

2. CRM-M No. 47228 of 2019 (O & M)

Dilbagh Singh

.....Petitioner

Vs.

The State of Punjab

.....Respondent

3. CRM-M No. 50531 of 2019

Ravinder Singh and another

.....Petitioners

Vs.

The State of Punjab

.....Respondent

4. CRM-M No. 49284 of 2019 (O & M)

Shamsher Singh

.....Petitioner

Vs.

The State of Punjab

.....Respondent

5. CRM-M No. 49258 of 2019 (O & M)

Jatinder Singh

.....Petitioner

Vs.

The State of Punjab

.....Respondent

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. Bikramjit Aroua, Advocate and
 Mr. Vaibhav Narang, Advocate
 for the petitioner(s)

Ms. Amarjit Kaur Khurana, DAG, Punjab

Rajbir Sehrawat, J. (Oral)

CRM No. 39513 of 2019 in CRM-M No. 47220 of 2019 :

CRM No. 39526 of 2019 in CRM-M No. 47228 of 2019 :

These applications have been filed by the applicant/petitioner(s) under Section 482 Cr.P.C. seeking addition of subsequently added offences under Sections 341, 354 and 120B IPC and Section 67A of the Information Technology Act, 2000 in the present FIR.

Notice in the applications.

Ms. Amarjit Kaur Khurana, DAG, Punjab present in Court accepts notice on behalf of the State and submits that she has no objection if the applications are allowed.

In views of the above and for the reasons mentioned in the applications, the same are allowed. Sections 341, 354 and 120B IPC and Section 67A of the Information Technology Act, 2000 are permitted to be added in the present FIR. Accordingly, the headnote and the prayer clause of the petitions are permitted to be amended by adding these sections.

Main Cases :

This order shall dispose of above mentioned five petitions as the FIR involved in all the petitions is the same.

The present petitions have been filed by the petitioners under Section 439 Cr.P.C for grant of bail pending trial in case FIR No. 196 dated 13.9.2019, registered under Sections 307, 379B, 353, 295A, 186, 332, 333, 506, 148 and 149 IPC (Section 341, 354 and 120B IPC and Section 67A of the Information Technology Act, 2000 added later on) at Police Station Lopoke, Amritsar Rural.

It is contended by learned counsel for the petitioners that the case

against the petitioners is totally concocted. It is further contended that the complainant, in fact, had entered the house of the petitioners illegally and just to harass the petitioners at the instance of their rival in the village. The story put up by the complainant is fabricated. Admittedly, the complainant was not posted in the police station of area concerned. He claims to have gone to the house of the petitioners to arrest accused Amandeep Singh. However, even this fact is incorrect. No such entry is reflected in the record of the local police that the complainant had come to arrest the said accused. Still further, it is submitted that there were other police officers also, who had accompanied the complainant; but except the complainant there is not even a complaint by any other police officers that they were even touched by the petitioners or any other person present on the spot. Not only this, the complainant is habitual of creating false cases against innocent people. In the same effort, a false case was sought to be created against Amandeep Singh. Hence, one day before the incident, the said Amandeep Singh had already lodged a complaint against the complainant; with the Inspector General of police, Boarder Range, Amritsar. Despite that; the complainant did not desist and came to the house of the petitioners. The petitioners are in custody since October 2019. Challan has already been filed. The petitioners are not required for any investigation purpose. Hence, they deserve to be released on bail.

On the other hand, learned State counsel, being instructed by police official, submits that the petitioners are involved in a heinous crime of attacking a police officer. However, it is not disputed that there was no entry with the local police; qua the visit of the complainant to the house of the petitioners; for arresting any accused.

Learned counsel for the complainant has also vehemently opposed the present petition on the ground that the complainant was on duty at the relevant time. However, he has also not been able to assert that the local police was kept in loop by the complainant.

In view the above, but without expressing any further opinion on the merits of the case, the present petitions are allowed. The petitioners are ordered to be released on bail pending trial subject to their furnishing bail bonds/surety to the satisfaction of the Trial Court/Duty Magistrate, concerned.

(RAJBIR SEHRAWAT)
JUDGE

16.12.2019

Ashwani

Speaking/Reasoned	:	Yes/No
Reportable	:	Yes/No