

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

1. CRM-M-19966-2021

Ishwar Dass

...Petitioner

Versus

State of Punjab

...Respondent

2. CRM-M-19938-2021

Rajvinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

Date of decision: 19.05.2021

CORAM:- HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr.Pardeep Panwar, Advocate
for the petitioner(s).

(through video conferencing)

ARVIND SINGH SANGWAN, J. (Oral)

This common order shall dispose of above noted two petitions
as they arise out of the same FIR.

Prayer in these petitions, filed under Section 438 of the Code of
Criminal Procedure, is for grant of anticipatory bail to petitioners in FIR
No. 67 dated 31.03.2021, registered under Sections 34, 341, 354, 365, 511
of the IPC at Police Station City Samana, District Patiala.

Learned counsel for the petitioners submits that petitioner

Ishwar Dass is aged about 32 years and petitioner Rajvinder Singh is aged about 28 years and are the residents of village Pipaltha, Jind and they are having no antecedents of any criminal background.

It is further submitted that both the petitioners had gone to Samana along with co-accused Gurlal (who already stands arrested) in his car bearing registration No. HR-32K-9688.

Learned counsel further submits that aforesaid co-accused Gurlal has already been granted concession of regular bail. It is further submitted that as per allegations in the FIR, the prosecutrix has reported on 31.03.2021 that when she was present at Ambedkar Chowk, Samana, three persons came in aforesaid car, which was driven by co-accused Gurlal, and assailants were calling each other by name and in the meantime, co-accused Gurlal tried to push her into the car with an intention to kidnap her.

Learned counsel further submits that in fact it was a case of minor accident, in which the car of Gurlal, while being driven negligently, had hit the victim and on that account, there was a sudden verbal spat between Gurlal and the victim, who called her brother on phone and when the brother of the prosecutrix arrived at the spot, the entire incident was changed to an incident of kidnapping.

It is further submitted that co-accused is also a resident of the village of the petitioners and both the petitioners had gone to Samana, wherein also co-accused Gurlal is having a residence and no such incident ever happened.

Notice of motion.

Mr. Joginder Pal Ratra, DAG, Punjab, who is also appearing through video conferencing, accepts notice on behalf of the respondent-

State and could not dispute that co-accused Gurlal was arrested on the same day and later on he has been released on regular bail.

After hearing learned counsel for the parties, without making any comment on the merits of the case, considering the antecedents of the petitioners and also in view of the fact that main accused, who was arrested, has already been granted concession of regular bail, the present petitions are allowed. The petitioners are granted concession of anticipatory bail, subject to conditions envisaged under Section 438(2) Cr.P.C.

However, it will be open for the Investigating Officer to call upon the petitioners to join investigation, if so required, by issuing them a written notice in this regard.

A photocopy of this order be placed on the file of other connected case.

19.05.2021

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No