

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****(I) CRM-M-56236-2022 (O&M)**

Ajay Kumar ...Petitioner

Versus

State of Punjab ...Respondent

(II) CRM-M-56267-2022 (O&M)

Karan @ Karan Kumar ...Petitioner

Versus

State of Punjab ...Respondent

Date of Decision: 16.12.2022**CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL**Present: Mr. Sandeep Godara, Advocate,
for the petitioner/s.Mr. Siddharth Attri, AAG, Punjab,
assisted by ASI Sunil Kumar.**GURVINDER SINGH GILL, J. (Oral)**

1. This order shall dispose of the aforesaid two petitions filed on behalf of Ajay Kumar and Karan @ Karan Kumar respectively, seeking grant of anticipatory bail in respect of a case registered vide FIR No.13, dated 4.2.2021, Police Station Division No.2, District Pathankot, under Sections 324, 323, 427, 506, 148 and 149 of Indian Penal Code, wherein offence under Section 326 IPC was added subsequently.

2. At the time of issuance of notice of motion in both the petitions, this

Court passed a common order on 05.12.2022, which reads as follows:

“The petitioners seek grant of anticipatory bail in respect of a case registered vide FIR No.13, dated 4.2.2021, Police Station Division No.2, District Pathankot, under Sections 324, 323, 427, 506, 148 and 149 of Indian Penal Code, wherein offence under Section 326 IPC was added subsequently.

The FIR was lodged at the instance of Ram Saroop, wherein it is alleged that on 11.1.2021 at about 04:00 p.m., when he had come to his house to have meals, he saw that his neighbours Gungri, Sajan & Rajan sons of Late Satpal, Jony, Dharminder, Ajay Kumar and Karan were abusing complainant’s mother. The said persons were alleged to be armed with weapons like ‘datar’, iron rod, sticks. When the complainant tried to rescue his mother, the said persons attacked him. It is alleged that when Gungri inflicted a blow with ‘datar’ towards his head he saved himself by raising his left hand and consequently the ‘datar’ hit his hand. Gungri tried to give another blow on his head with ‘datar’ but the complainant was again able to ward off the same with his hand and the blow hit the fingers of his left hand. When complainant’s mother Asha Rani and his wife Neha stepped forward to rescue him, then Jony raised ‘lalkara’ to catch hold of the complainant and not to spare them and thereafter the assailants gave beatings to him. When the complainant’s mother and wife rushed inside their house to save themselves, the said persons entered their house and gave beatings to his wife and mother with their respective weapons. It is alleged that Gungri gave a ‘datar’ blow on the head of his wife. The said persons are also alleged to have broken the shop. Daddy @ Gagandeep @ Daddi, who had entered into the house, damaged a motorcycle lying inside. They also issued threats. It is alleged that apart from the aforesaid persons Dharam pal, his grandson Satnam @ Satnam Rai, Billi also caused extensive damage by throwing stones at their house.

Learned counsel for the petitioner(s) submitted that although both the petitioner(s) are named in the FIR but they are not attributed any specific injury and that it is co-accused Gungri, who is

specifically alleged to have inflicted blows with 'datar' to the complainant as well as to his wife. Learned counsel has further submitted that the FIR came to be lodged after 24 days of the occurrence, which clearly shows that the same is a result of manipulations and has been falsely lodged.

Notice of motion for 16.12.2022.

Meanwhile, in the event of arrest, the petitioner(s) be released on interim bail subject to their furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner(s) shall join the investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

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

To be heard alongwith CRM-M-49945-2022.”

3. Learned State counsel upon instructions has submitted that pursuant to interim directions issued by this Court, both the petitioners have since joined investigation and are not required for any custodial interrogation and that they are not involved in any other case.
4. Having regard to the aforestated position, wherein both the petitioners are stated to have joined investigation and are not required for any custodial interrogation and otherwise have a clean record, both the petitions are accepted and the interim directions issued by this Court vide common order dated 05.12.2022 are hereby made absolute subject to the condition that the petitioners shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.
5. A photocopy of this order be placed on the connected file.

16.12.2022

Vimal

(GURVINDER SINGH GILL)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No