

2023:PHHC:091364

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH
-.-

CRM M 34656-2023
Date of decision: 20.07.2023

Jeevna Kumari alias Jiwan Devi and others*Petitioners*
Versus
State of Punjab*Respondent*

Coram: Hon'ble Mr. Justice Rajbir Sehrawat
-.-

Present: Mr. Rajesh K. Dadwal, Advocate for the petitioners
-.-

Rajbir Sehrawat, J. (Oral)

The present petition has been filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory/pre-arrest bail to the petitioners in case FIR No.40 dated 08.06.2023 registered under Sections 452, 323, 379, 427, 447, 511, 506, 509, 148 and 149 of the Indian Penal Code at Police Station Talwara, District Hoshiarpur, Punjab.

It is submitted by counsel for the petitioners that case against the petitioners is totally false and concocted. The petitioners are not involved in the crime as alleged against them. Even as per the story of the prosecution, the petitioners are not alleged to have caused any injury to any specific person. There are only general allegations that the petitioners and thirteen others persons from the side of the petitioners had participated in the incident. Even the reasons stated in the FIR for starting of the fight is factually incorrect. In fact, the possession of the land was allegedly taken by the complainant side after the order of partition had already been set aside by the Financial Commissioner, Punjab. The petitioners have clean

antecedents and they are not involved in any other case. The petitioners shall join the investigation as and when called upon to do so.

Notice of motion.

Mr. Sandeep Singh, Additional Advocate General, Punjab, on instructions from ASI Harjit Singh, P S Talwara, Hoshiarpur has submitted that the names of the petitioners are mentioned in the FIR. The petitioners were very much present at the scene of occurrence and have also participated in the crime of causing injuries jointly to the opposite side, out of which, two persons were injured. Moreover, recovery of the barbed wire and pillars is yet to be effected. However, it is not disputed that there are no specific injury attributed to either of the petitioners; as having been caused to any person from the other side. It is also not disputed that there is no other case against the petitioners.

In view of the above, but without commenting anything on merits of the case, the present petition is allowed. In the event of arrest, the petitioners be released on bail, subject to their furnishing personal bonds/surety to the satisfaction of the Arresting/Investigating Officer. However, the petitioners shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.

(Rajbir Sehrawat)
Judge

July 20, 2023
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Whether speaking/reasoned	Yes/No
whether reportable	Yes/No