

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

CRM-M No.43455 of 2023
Date of decision: 1st September, 2023

Anwar Masih @ Goldi

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Ms. Neha Sonawane, Advocate for the petitioner.

MANJARI NEHRU KAUL, J.

1. The petitioner is seeking the concession of bail under Section 438 Cr.P.C. in case FIR No.74 dated 04.03.2012 under Sections 302, 201, 34 IPC registered at Police Station Civil Lines Batala, District Gurdaspur.

2. Learned counsel for the petitioner inter alia contends that the petitioner has been falsely implicated in the case in hand for allegedly committing the murder of Seero, mother of the complainant, who had been allegedly living with the petitioner after she obtained divorce from her first husband i.e. father of the complainant. Learned counsel submits that there was no material on record to show that deceased Seero had ever been in a live in relationship with the petitioner, much less had been living with him, in his house at any point of time. She further submits that the petitioner had no inkling of the registration of the FIR in question as the petitioner had all along been living in Dargabad. Since the

petitioner was neither served any notice nor joined in the investigation after the registration of the FIR in question, he was not at all aware about his false implication in the case in hand, and this was one of the reasons that he was erroneously declared a proclaimed offender by the trial Court. However, as soon as he learnt about the registration of the false case against him, he immediately approached the trial Court for the concession of anticipatory bail which was declined vide order dated 16.09.2022 annexed as Annexure P-4. Learned counsel has further submitted that co-accused Ashok Masih, who too was arraigned as an accused in the FIR in question, had meanwhile, faced trial and had been acquitted vide judgment and order dated 04.01.2014 by learned Sessions Judge, Gurdaspur. He submits that in the circumstances, it was all the more apparent that the petitioner too was innocent and he deserved the concession of anticipatory bail in the case in hand.

3. I have heard learned counsel for the petitioner and perused the relevant material on record.

4. A perusal of the FIR, which has been annexed as Annexure P-1, reveals that deceased had been in a live in relationship with the petitioner, after obtaining divorce from her husband. The deceased went missing and since she was unreachable, a suspicion arose in the mind of the complainant, who then reported the matter to the police. Thereafter, the police went to the house where deceased along with the petitioner had been residing, however, it was found locked. Some fresh mud in the courtyard of the house along with some half-burnt articles were found,

which raised further suspicion in the mind of the police. On the following day, i.e. 05.03.2012 the police party in the presence of Executive Magistrate, doctors and other officials, exhumed the dead body of the deceased from the house, where she along with the petitioner had been residing. The entire process was videographed.

5. Hence, in the wake of the serious and specific allegations levelled against the petitioner, coupled with the fact that the dead body of the deceased was buried in his own house, the involvement of the petitioner in the crime in question cannot be ruled out. The factum of the petitioner having evaded his arrest and having been declared a proclaimed offender would also come in the way of he being extended the extraordinary concession of anticipatory bail.

6. Dismissed.

7. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

September 1, 2023
rps

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No