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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM M – 55384-2023
Date of decision: 06.11.2023*Raj Kumar alias Raju and others*.....*Petitioners**Versus**State of Punjab*.....*Respondent***Coram: Hon'ble Mr. Justice Rajbir Sehrawat**Present: Mr. Surinder Sharma, Advocate
for the petitioners

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Rajbir Sehrawat, J. (Oral)

The present petition has been filed under Section 438 of the Code of Criminal Procedure, praying for grant of anticipatory/pre-arrest bail to the petitioners in case DDR No. 24 dated 06.08.2023, registered under Sections 326, 336, 427, 324, 323, 160, 452, 148, 149 of the Indian Penal Code, recorded in FIR No. 113 dated 12.07.2023, registered under Sections 160, 336, 427, 148, 149 of the Indian Penal Code, at Police Station Majitha, District Amritsar (Annexure P1).

It is submitted by counsel for the petitioner that the case against the petitioners is totally false and frivolous. The petitioners have not committed any crime as alleged against them. Even as per the story of the prosecution, the DDR in question was got lodged by the other-side after a delay of 26 days of the FIR having been registered against them by the side of the petitioners. Still further, there is no specific allegations of causing injury to any body against petitioner No. 1 and 2 (Raj Kumar alias Raju and Joginder Masih, respectively) except that both were present at the time of

alleged incident. Even against petitioner No. 3 (Ravi Masih), there is only allegation qua giving *lalkara*. However, no specific injury has been attributed to him. There is no other case against the petitioners. The petitioners shall join the investigation as and when called by the Police. Hence, the petitioners deserve to be protected against their arrest.

Notice of motion.

Mr. Sandeep Singh, Additional Advocate General Punjab accepts notice on behalf of the respondent - State.

Counsel for the State being instructed by ASI Kulwant Singh has submitted that the petitioners were very much present at the time of occurrence and they also participated in the incident. It is a case of version and cross-version, in which, the persons from both the sides had suffered injuries. However, it is not disputed that there are no allegations against the petitioners qua having caused injury to any body. It is also not disputed that there is no other case against either of the petitioners.

In view of the above, but without commenting any further 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/surety bonds 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

November 06, 2023
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No