

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

204

CRM-M-40025-2024(O&M)
Date of Decision: 21.10.2024

YUSUF MASIH AND ORS.PETITIONERS

VERSUS

STATE OF PUNJABRESPONDENT

CORAM : HON’BLE MRS. JUSTICE MANISHA BATRA

Present : Mr. L.M. Gulati, Advocate for the petitioners.
Ms. Ruchika Sabherwal, Sr. DAG, Punjab.

MANISHA BATRA, J. (Oral)

The present petition has been filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, seeking anticipatory bail in FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
0060	01.06.2024	Bhindi Saidan, District Amritsar	341, 323, 506, 148 & 149 of IPC

2. Vide order dated 20.08.2024 passed by this Court, the petitioner was released on interim bail and was directed to join investigation. Order dated 20.08.2024 is reproduced as under:-

“Petitioners, namely, Yusuf Masih, Ifrayiam @ Goli and Sukho, have filed the present petition seeking anticipatory bail in FIR No.0060, dated 01.06.2024, under Sections 341, 323, 506, 148 and 149 IPC (Sections 379, 411 and 324 IPC were added later on), registered at Police Station Bhindi Saidan, District Amritsar.

While referring to the version of FIR, lodged at the instance of Indriyas Masih-complainant, Mr. L.M. Gulati, Advocate for the petitioners submits that petitioner No.1 has



been attributed simple injury to the complainant with a 'Gandassi'; petitioner No.2 is alleged to have inflicted an injury to the complainant with an 'iron rod' and petitioner No.3 is alleged to be empty handed with no specific role attributed to her. Thus, learned counsel for the petitioners submits that no serious injury was caused by the petitioners to the complainant or any of its party member and the offences attributed against them primarily fall under Sections 323 and 324 of IPC. Moreover, both the offences are triable by the learned Magistrate and custodial interrogation of the petitioners is also not required.

In regard to the non-bailable offences, learned counsel for the petitioners submits that addition of Section 379 IPC, alleging that the petitioner took away the motor cycle of the complainant is false and concocted version and same has been added later.

On being asked by the Court, learned counsel for the petitioners admits that against the petitioners, there is a prior history of registration of another criminal case also, amongst the same parties, as they are residents of same village.

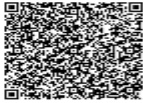
Learned counsel for the petitioners also submits that petitioners are not the professional criminals and have never been marked as bad elements in the society, therefore, prays for grant of concession of bail. He further submits that the petitioners are ready and willing to join the investigation.

Notice of motion for 21.10.2024.

Dr. D.S. Lamba, DAG, Punjab, accepts notice on behalf of the State.

Let requisite copies of the complete paper book be supplied to the learned State counsel during the course of the day.

Meanwhile, petitioners are directed to join investigation and appear before the investigating agency as and when called upon to do so. In the event of their arrest, the petitioners shall



be released on ad-interim bail, subject to their furnishing bail bonds to the satisfaction of the Arresting Officer. The petitioners shall abide by the terms and conditions as envisaged under Section 438(2) Cr.P.C. ”

3. It is submitted by learned State counsel that the petitioner has joined the investigation in compliance of the order dated 20.08.2024. Recovery of weapon of offence has been effected and his custodial interrogation is not required. No useful purpose would be served by detaining him in custody. In view of the said facts but without commenting on the merits of the case, the present petition is allowed and the order dated 20.08.2024 granting interim bail to the petitioner is made absolute, subject to the conditions laid down in Section 482 of the Bharatiya Nagarik Surakhsa Sanhita, 2023.

October 21, 2024
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(MANISHA BATRA)
JUDGE

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| 1. | <i>Whether speaking/reasoned</i> | <i>Yes/No</i> |
| 2. | <i>Whether reportable</i> | <i>Yes/No</i> |