



CRM-M-49433-2024 and
CRM-M-50129-2024

-1-

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH
206+208

CRM-M-49433-2024

Karamdeen
Versus
State of Punjab
...Petitioner
...Respondent

CRM-M-50129-2024

Mareed Ali
Versus
State of Punjab
...Petitioner
...Respondent

Date of decision: 4th November, 2024

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Samaydeen, Advocate for the petitioners.
Ms. Ruchika Sabherwal, Sr. DAG, Punjab.
Mr. Mohd. Salim, Advocate for the complainant.

MANISHA BATRA, J (ORAL):-

1. The aforementioned petitions have been filed by the petitioners under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') seeking benefit of anticipatory bail in case of arising out of FIR No. 81 dated 11.06.2024 registered under Sections 452, 324, 323, 506, 120-B, 148 and 149 of IPC with offences under Sections 307, 326 and 201



**CRM-M-49433-2024 and
CRM-M-50129-2024**

-2-

of IPC having added later on, at Police Station Dinanagar, District Gurdaspur.

2. As per the prosecution case, on 07.06.2024, the complainant along with his family members was sleeping in the courtyard of his house when at about 2:15 AM, he woke up on hearing sounds of dog barking in his house. He saw the accused Kakku, Barkat Ali and Sawaru to be present in the courtyard of his house along with three unknown youths. All of them were armed with weapons. On seeing him, the accused Kakku made an exhortation to catch him and teach him a lesson for not giving possession of plot to them; and thereafter, opened an assault upon him with a *datar* which he was carrying in his hands. The co-accused Barkat Ali, Sawaru and the other unknown assailants also caused injuries to him with Axe, datar, iron rods and hand sticks. The complainant and his family members raised rescue alarm and thereafter, they fled away. The injured was rushed to the hospital. As per the medico legal report, he had sustained six simple injuries as well as grievous injuries. The complainant in his statement recorded before the police disclosed that the cause of grudge was that his father was allotted some government land in Chhoti Chamolyi in Himachal Pradesh and the present petitioners wanted to take possession of the said land. They had extended threats to father of the complainant in the past and had threatened to see him. The complainant alleged that the petitioners by hatching a conspiracy had sent accused Kakku and others to kill him. After registration of FIR, investigation proceedings have been initiated. Subsequently, on the basis of medical opinion offences under Section 326 and 307 of IPC had



**CRM-M-49433-2024 and
CRM-M-50129-2024**

-3-

been added. The investigation is underway. Apprehending their arrest, the petitioners had moved application for grant of pre-arrest bail before the Court of learned Additional Sessions Judge, Gurdaspur which was dismissed vide order dated 17.09.2024.

3. The present petitions have been filed by the petitioners on the grounds and it is argued by their counsel that they have been falsely implicated in this case. They were not present at the spot at the time of occurrence. No injury has been attributed to them. The FIR was registered after a gap of four days from the date of alleged occurrence and was result of due deliberations, concoctions and confabulations between the petitioners and the co-accused. Despite the fact that the complainant was in a position to record the statement on 09.06.2024, he chose not to do so. There is nothing on record to suggest their complicity in the subject crime. They are ready to join the investigation. Their custodial interrogation is not required. No recovery is to be effected from them. They have been falsely implicated due to civil dispute between the complainant party and themselves. They had no part to play in the commission of the subject offences. As such, it is urged that they deserve to be extended benefit of pre-arrest bail.

4. Status reports have been filed by respondent-State in both the petitions. It is argued by learned State counsel assisted by learned counsel for the complainant that there are serious and specific allegations against the petitioners who hatched a conspiracy with the co-accused and on whose instigation the co-accused had assaulted the victim and had caused simple as well as grievous injuries to him with an intent to kill him. Specific motive



**CRM-M-49433-2024 and
CRM-M-50129-2024**

-4-

has been attributed to the petitioners by the complainant at the time of recording FIR. Custodial interrogation of the petitioners is must for conducting thorough investigation in the matter by the police. Therefore, it is urged that the petitions do not deserve to be allowed.

5. I have heard learned counsel for the parties at considerable length and have gone through the record carefully.

6. The petitioners are alleged to have hatched a conspiracy with the co-accused to make an attempt to kill the complainant and his family members and in pursuance of that criminal conspiracy the co-accused are alleged to have formed membership of an unlawful assembly and in prosecution of common object of that unlawful assembly, they are alleged to have criminally trespassed into the house of the complainant and to have voluntarily caused simple as well as grievous injuries to him. There is delay of four days in reporting the matter to the police. The petitioners were admittedly not present at the spot at the time of occurrence. It is a matter of trial as to whether they had hatched conspiracy with the actual assailants/co-accused to cause injuries to the complainant and to make an attempt to kill him. Keeping in view the nature of the allegations as levelled against the petitioners, the part attributed to them and the above discussed facts and circumstances but without meaning to make any comment on the merits thereof, I am of the considered opinion that it is fit case for extending benefit of pre-arrest bail to the petitioner. Accordingly, the petitions are allowed and the petitioners are ordered to be extended benefit of anticipatory bail, subject to their surrender before the learned trial Court within a period of ten days



CRM-M-49433-2024 and
CRM-M-50129-2024

-5-

from the date of passing of this order and on their surrender within that period, they shall be released on bail by the learned trial Court on furnishing bonds to its satisfaction and the following conditions:-

- (i) the petitioners shall cooperate with the investigation and shall appear before the Investigating officer/arresting officer as and when required.
- (ii) they shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any Police Officer.
- (iii) they shall not commit any similar offence while on bail.

7. In case of violation of any of the above conditions, the jurisdictional Court shall be empowered to consider the application for cancellation, if any, and pass appropriate orders in accordance with law.

8. Photocopy of this order be placed on the file of connected case.

[MANISHA BATRA]
JUDGE

4th November, 2024
Parveen Sharma

- | | | |
|-------------------------------|---|----------|
| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |