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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-62303-2023

Date of Decision:10.01.2024

Dalip

...Petitioner

Vs.

State of Punjab

...Respondent

(ii)

CRM-M-64083-2023

Kulsum @ Soniya

...Petitioner

Vs.

State of Punjab

...Respondent

Coram : Hon’ble Mr. Justice N.S.Shekhawat

Present: None for the petitioner in CRM-M-62303-2023.

Mr. Tanwir Singh Attariwala, Advocate
for the petitioner in CRM-M-64083-2023.

Mr. Digvijay Nagpal, AAG, Punjab.

N.S.Shekhawat J.

1. This order shall dispose off two bail petitions i.e CRM-M-62303-2023 titled as “*Dalip Vs. State of Punjab*” and CRM-M-64083-2023 titled as “*Kulsum @ Soniya Vs. State of Punjab*”, whereby the petitioners have prayed for anticipatory bail in case arising out of FIR No.118 dated 05.08.2020 registered under Sections 341,324,379-B,506,120-B, 34 of IPC, Police Station Daresi, Police Commissionerate, Ludhiana.
2. Status reports by way of an affidavit of Assistant Commissioner of Police, North Ludhiana and additional affidavits by way of an affidavit of

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Assistant Commissioner of Police, North Ludhiana have been filed on behalf of respondent-State in both the cases and the same are taken on record.

3. It has been stated by Dalip (petitioner in CRM-M-62303-2023) that on the date of occurrence, the petitioner was out of station for some personal work. In fact, the petitioner had gone to his native place at Village Ratasi, Arjunpur, P.O Behripur, Police Station Singramau, Block and Tehsil Badlapur, District Johnpur, Uttar Pradesh on 29.07.2020 and the occurrence had taken place on 03.08.2020. Even a railway ticket showing the name of the petitioner (Dalip) had been annexed as Annexure P-3 with the petition. It has been further averred in the petition that father of the Dalip was a labourer and due to poor financial condition, the petitioner had left at his native place. It is further submitted in the petition that the petitioner himself is a poor person and had no reason to arrange the assailants as alleged by the complainant in the present case.

4. On the other hand learned counsel appearing on behalf of Kulsum @ Soniya, petitioner in CRM-M-64083-2023 has vehemently argued that the petitioner has been falsely involved in the present case and was beaten up by certain persons, with whom the petitioner had no concern at all. Learned counsel further contends that the complainant used to follow the petitioner and used to force her to develop friendship with him. Since the complainant was a man of bad antecedents and several cases registered against him, the petitioner initially started talking to him out of fear, but later on the petitioner stopped talking to him. Due to this grudge, the petitioner has been wrongly involved in the present case.

5. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that the petitioners had actively participated in the commission of crime and were the main accused. However, learned State counsel admits that the injuries suffered by Mohammad Saif were simple in nature.
6. I have heard the learned counsel for the parties and perused the case file minutely.
7. In the present case, as per the version of the prosecution also, both the petitioners were not present at the place of alleged occurrence. Apart from that, the injuries suffered by Mohammad Saif are simple in nature.
8. Consequently, both the petitions are allowed. The petitioners are granted concession of anticipatory bail, subject to the conditions as provided under Section 438(2) of the Cr.P.C. It will be open for the Investigating Officer to call the petitioners to join investigation, if so required, by issuing a written notice in this regard and they shall abide by the conditions mentioned in Section 438(2) of the Cr.P.C.

10.01.2024

hitesh

(N.S.SHEKHAWAT)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No