IN THE HON'BLE PUNJAB AND HARYANA HIGH COURT AT CHANDIGARH

Criminal Miscellaneous No……….. of 2009

In

Criminal Miscellaneous No………….of 2009

Farish ………Petitioner

Versus

State of Punjab …… Respondent.

APPLICATION U/S 482 Cr.P.C. FOR EXEMPTION.

**RESPECTFULLY SHOWETH: -**

1. That the petitioner is filing the above mentioned petition in this Hon’ble Court which is likely to succeed on the grounds mentioned therein.

2. That petitioner has attached Annexure P-1 to P-5 alongwith the petition. However the original/certified copies of accompanying Annexures are not readily available with the petitioner. However, true typed copies of the same are annexed with this petition.

It is, therefore, respectfully prayed that filing of certified copies of Annexures may kindly be exempted in the interest of justice.

CHANDIGARH (MUNISH BHARDWAJ & KAMAL KANT SHARMA)

DATED 5.2.2009 ADVOCATES

COUNSEL FOR THE PETITIONERS

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT CHANDIGARH

Criminal Misc.No..........OF 2009

Farish son of Prem Lal resident of Mohalla Rishi Nagar,Nakodar, Distt.Jalandhar.

..........Petitioner.

Versus

State of Punjab .......Respondent.

Petition under section 439 of Cr.PC for grant of regular bail to the petitioner in FIR No.61 dated 12.3.2007 under section 326(earlier section 307), 324, 323, 380, 506, 427, 148/149 IPC P.S.Nakodar, District Jalandhar.

Respectfully Showeth:-

1. That the petitioner is innocent, peace loving and law abiding citizen and command respect in the society. He has committed no offence and has been wrongly involved in the present case as a pressure tactics.
2. That present FIR is registered on the complaint of one Happy @ Ujala which is reproduced hereunder for the ready reference of this Hon;ble Court:-

“Statement of Happy @ Ujala s/o Satpal caste Balmiki r/o H.No.1250, Mohalla Rishi Nagar, Nakodar aged about 22 years.

It is stated that I am resident of abovesaid address. I am running a shop in the name of Ujala Music Centre in Mohalla Rishi Nagar, Nakodar. Today, in the morning at about 8.30 AM, when I was cleaning my shop, then 1.Parshotam Lal @ Fauji s/o Banarasi Dass armed with Kirpan 2. Himat Kumar s/o Parshotam Lal armed with Kirpan 3.Pappu s/o Parshotam Lal armed with handle of spade 4. Surinder Kumar s/o Gian Chand armed with Datar 5. Dimple s/o Gian Chand armed with Datar 6. Love s/o Surinder Kumar armed with Datar 7. Dimpi s/o Deepak Kumar armed with Datar 8. Raju s/o Deepak Kumar armed with Base Bat 9. Sunny s/o Lal Chand armed with Base Bat 10. **Farish s/o Prem Lal armed with Datar** caste Balmiki r/o Rishi Nagar Nakodar entered into my shop while giving filthy abuses and Lalkaras.” Firstly, Parshotam Lal @ Fauji raised a Lalkara and gave sword blow on the left side of my head and they dragged me out of the shop. Then, Himat Kumar gave a sword blow on the backside of my head, Pappu gave blow with handle of spade above the left eye, Surinder Kumar gave Datar blow on my right hand middle finger, Dimple gave Datar blow on my right hand fingers, Love gave Datar blow on my left hand middle finger, **Farish gave Datar blow** on my right hand fingers and then Raju and Sunny gave blows with their base bat and all the abovesaid accused have given me injuries with an intention to kill me. I raised raula and after hearing my shouts my younger brother Deepak came there and tried to save me but they also injured him and damaged my whole shop and took Rs.70,000 from the counter of my shop which I have put only today after bringing from my house. We were saved by Sanjiv Kumar s/o Nath Ram caste Balmiki r/o Rishi Nagar Nakodar and Bikramjit Singh s/o Pranjit Singh caste Ramgahria r/o Mohalla Kheera Nakodar and seen all the incident with their eyes. Whereas I was under great pain due to injuries I and my brother Deepak Kumar were taken to Civil Hospital, Nakodar after arranging the vehicle. The reason of the fight is that earlier also Parshotam Lal @ Fauji and Dimple has fought with us and gave threats to kill us. Whereas, all the accused ran away from the spot with their weapons after injuring us and giving filthy abuses and threats to kill us. Whereas Parshotam Lal @ Fauji and his companions have came to my shop with their respective weapons with an intention to kill me and injured me and my brother, Deepak and took money from my shop and also damaged my shop. So necessary legal action be taken against all the accused. Statement has been heard which is correct.

LTI Happy attested sd/-Harjit Singh ASI, I/C PP City PS Nakodar dated 12.3.2007”

1. That the reading of the abovesaid FIR clearly shows that totally wrong case has been registered against the petitioner. It is case of cross version. Actually, a fight had taken place between Dimple and love on the one side and complainant-Happy @ Ujala and his brother, Deepak on the other side. Both the parties suffered injuries and they were hospitalized. The petitioner was not at all present on the spot and his name has been given only as a pressure tactics and due to politics in the Mohalla.
2. That an inquiry was also conducted by the DSP, Nakodar who after investigation found the petitioner innocent. He has also found in his inquiry that no case under section 307 IPC is made out and recommended for deleting section 307 IPC from the FIR and recommended for further action against the remaining accused. A copy of the inquiry report conducted by the DSP, Nakodar is attached herewith as **Annexure P-1**.
3. That petitioner was not at all present on the spot. The allegations against the petitioner that he was carrying Datar and injured the complainant and his brother are totally wrong and baseless. The DSP, Nakodar in his inquiry has categorically found the petitioner innocent.
4. That some of the similar situated co-accused in the present FIR have already been granted either regular bail or anticipatory bail either by this Hon’ble Court or Ld.Addl.Sessions Judge, Jalandhar. One of the accused, namely Dimple was arrested on 17.3.2007 in the present case and he has been granted regular bail by the Ld.Addl.Session Judge, Jalandhar. Some of the co-accused have been granted anticipatory bail by this Hon’ble Court. A copy of the interim bail and final order granting anticipatory bail to some of the co-accused are attached herewith as **Annexure P-2 and P-3**, respectively. An another accused namely Love, has been granted anticipatory bail by the Ld.Addl.Sessions Judge, Jalandhar vide order dt.19.1.2008. A copy of the order dt.19.1.2008 is attached herewith as **Annexure P-4**. The other accused, namely Parshotam, Himat and Surinder Kumar has filed Cr.M No.2708-M of 2009 in this Hon’ble Court for the grant of anticipatory bail in which notice has already been issued for 6.2.2009.
5. That petitioner applied for the grant of regular bail before the Ld.Additional Sessions Judge, Jalandhar which was dismissed vide order dt. 15.1.2009, a copy of which is attached herewith as **Annexure P-5**. The Ld.Additional Sessions Judge failed to appreciate that petitioner is not at all involved in the present case and he has also been declared innocent by the DSP, Nakodar in his inquiry. It also failed to appreciate that some of the similarly situated co-accused have been granted anticipatory bail/regular bail either by this Hon’ble Court or either by the Ld.Addl.Sessions Judge, Jalandhar. The petitioner seek parity.

1. That the petitioner was arrested in this case on 31.12.08 and since then he is in judicial lock up. Moreover, investigation of the case has already been completed and it will take sufficient time in presenting the challan and concluding the trial. No useful purpose will be served by keeping the petitioner behind the bar.
2. That petitioner has not earlier filed any other petition in the matter, either in this Hon’ble Court or in the Hon’ble Supreme Court of India.

It is, therefore, respectfully prayed that present petition be allowed and petitioner may kindly be released on bail in FIR No.61 dated 12.3.2007 under section 326(earlier section 307), 324, 323, 380, 506, 427, 148/149 IPC P.S.Nakodar, District Jalandhar in the interest of justice and fair play.

CHANDIGARH (MUNISH BHARDWAJ & KAML K.SHARMA)

DATED 5.2.2009 ADVOCATES

COUNSEL FOR THE PETITIONERS

Annexure P-1

Division Nakodar District Jalandhar

In reference to complaint No.299-Peshi dated 15.3.07 by Dimple s/o Gian Chand, Love s/o Surinder Kumar r/o Mohalla Rishi Nagar, Nakodar, District Jalandhar.

Subject: Regarding inquiry in FIR No.61 dated

12.03.07 under section 307, 324, 326, 380, 506, 427, 148/149 IPC P.S.Nakodar.

Sir,

According to the statement of Happy @ Ujala, the brief facts of the case are that on 12.03.07 at about 8.30 AM when he was cleaning his shop then Parshotam Lal @ Fauji s/o Banarasi Dass armed with Kirpan, Himat Kumar s/o Parshotam Lal armed with Kirpan, Pappu s/o Parshotam Lal armed with handle of spade, Surinder Kumar s/o Gian Chand armed with Datar, Dimple s/o Gian Chand armed with Datar, Love s/o Surinder Kumar armed with Datar, Dimpi s/o Deepak Kumar armed with Datar, Raju s/o Deepak Kumar armed with Base Bat, Sunny s/o Lal Chand armed with Base Bat, Farish s/o Prem Lal armed with Datar caste Balmiki r/o Rishi Nagar Nakodar came while giving filthy abuses and injured Happy @ Ujala with an intention to kill and on raising alarm his brother Deepak came to save him and abovesaid also injured him. They also stole Rs.70,000/- from the counter of his shop and in this fight the other party (applicant) Dimple and Love also suffered injuries. On receiving information from Hospital the statement of the complainant was recorded and the abovesaid FIR was registered and investigation was initiated and accused Dimple (applicant) was arrested on 17.3.07 in the abovesaid case by ASI Harjit Singh Incharge Chowki City Nakodar. Thereafter, applicant Dimple has made an application for wrongly registering case under section 307 IPC which is inquired as follows.

1. Statements of witnesses produced on behalf of applicant.
2. Kiran w/o Surinder Kumar r/o Mohalla Rishi Nagar, Nakodar.
3. Veena w/o Harish Chander r/o Deep Nagar, Jalandhar Cantt.
4. Sukhdev Singh s/o Bhag Singh r/o Patli P.S.Ghal Khurd (Ferozpur).
5. Amar Mumar s/o Vijay Kumar r/o Mohalla Palahi Gate Phagwara.
6. Deepak Gupta s/o Baldev Raj Gupta r/o Post Office Road, Nakodar.
7. Dimple s/o Gian Chand (Applicant).
8. Dimpi s/o Deepak r/o Mohalla Rishi Nagar, Nakodar.
9. Sunny s/o Lal Chand r/o Mohalla Rishi Nagar Nakodar.
10. Krishna Devi w/o Lal Chand r/o Rishi Nagar, Nakodar.
11. Statement of witnesses produced by Opposite party (complainant).
12. Sarbjit Dhaliwal s/o Mohinder Pal r/o Mehru.
13. Parshotam Lal @ Bittu s/o Mohinder Pal r/o Mohalla Rishi Nagar, Nakodar.
14. Banarsi Dass s/o Munshi Ram r/o Mohalla Rishi Nagar, Nakodar.
15. Suraj Kumar s/o Satpal r/o Mohalla Rishi Nagar, Nakodar.
16. Rocky s/o Satpal r/o Mohalla Rishi Nagar.
17. Common Statement of shopkeepers Chota Chowk, Nakodar.
18. Documents produced on behalf of applicant
19. Photocopy of certificate issued by E.O. Municipal Council, Nakodar in favour of Surinder Kumar regarding his presence and leave
20. Documents issued by the Opposite Party
21. Photocopy of certificate issued by Mahajan Hospital, Nakodar regarding prescription of medicine in the name of Rocky s/o Satpal r/o Mohalla Rishi Nagar,
22. Conclusion

The investigation of the case is conducted secretly and openly and statements of both the party were recorded and on the basis of statement and secret investigation it is found that the complainant in the FIR Happy @ Ujala is having a shop in the name of Ujala Music Centre in Mohalla Rishi Nagar. On 12.3.07 at about 8.30 AM he was cleaning his shop and he is having fight with Dimple party and both side suffered injuries and MLR No.BSM-2/07 of Happy @ Ujala, MLR No.BSM-3/07 of Deepak s/o Gian Chand, MLR No.BSM-5/07 of Dimple (applicant), MLR No.BSM-4/07 Love Kumar s/o Surinder Kumar were received in Police Station. Then City Incharge, ASI Harjit Singh recorded the statement of the complainant and registered the abovesaid FIR (cross case) and initiated the investigation. Whereas in the MLR of Happy @ Ujala total eight injuries were stated by the Doctor, out of which injury No.1,2,3,5,7,8 were recorded sharp and injuries No.4 and 6 are recorded blunt and injuries No.6,7,8 were put under X-ray consideration. In this manner, in the MLR of Deepak Kumar 5 injuries were recorded which all are blunt. Injuries No.1,2,3 are put under X-ray consideration. Injuries No.4 and 5 are recorded as simple.

In this manner the MLR’s of opposite party (applicant) i.e. In MLR No.BSM-05/07 of Dimple three injuries are recorded. Injury No.2 sharp and injuries No.2,3 were kept under X-ray consideration and in MLR No.BSM-04/07 of Love Kumar 2 injuries are recorded and both are shown as blunt and simple.

On receiving X-ray report of complainant injuries No.6,7,8 are declared as grievous and injury No.2 received by Dimple of opposite side was declared as grievous on which section 326 IPC was added in the FIR of complainant and on the X-ray report of Dimple section 325 IPC was added. Whereas in the cross case Dimple applicant was arrested on 17.3.07 for investigation.

It is found on my investigation conducted till today that injury No.1 received by Happy @ Ujala on his left side of the head is sharp and which was earlier recorded as simple by the Doctor and came under section 324 IPC. This injury does not fulfil the ingredient of Section 307 IPC. That a fight has taken place between Happy @ Ujala and Deepak on one side and applicant Dimple and Love on the other side. But both sides have given name of other persons due to politics in the mohalla so that they are pressurized. I found Parshotam s/o Banarsi Dass, Himat s/o Parshotam, Pappu s/o Parshotam, Surinder s/o Gian Chand, Farish s/o Prem Chand, Raju s/o Deepak, Dimpi s/o Deepak, Gani s/o Lal Chand on the side of applicant and Shami s/o Mohinder Pal, Parshotam @ Bittu s/o Mohinder Pal, Rocky s/o Satpal, Happy s/o Satal, Laddi s/o Satpal, Bulla s/o Satpal r/o Mohalla Rishi Nagar, Nakodar on the side of complainant as innocent and recommend to delete section 307 IPC. After arresting the remaining accused, the SHO police station should present challan u/s 326, 325, 324, 506, 380, 427, 34 IPC at the earliest in the court.

Report is presented to your goodself.

Sd/-

Deputy Superintendent of Police,

Sub-Division, Nakodar.

True Translation Copy

Advocate

Annexure P-2

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT CHANDIGARH

CRIMINAL MISC.NO.22760-M-2007

1.Pappu son of Parshotam Lal

2.Raju son of Deepak

3.Sunny son of Lal Chand

4.Dimpy son of Deepak Kumar

All resident of Mohalla Rishi Nagar, P.S.Nakodar, District, Jalandhar.

.......Petitioners.

Versus

State of Punjab ......Respondent.

Petition under section 438 Cr.PC for the grant of anticipatory bail to the petitioners in the case of their arrest in case bearing FIR No.61 dated 12.3.2007 offence u/s 307, 324, 323, 380, 506, 427, 148/149 IPC P.S.Nakodar, District Jalandhar, Punjab.

Present:- Mr.Vipin Mahajan, Advocate,

For the petitioners.

Argues that it is a case of cross version.

Notice of motion to Advocate General, Punjab for 12.7.2007.

In the meanwhile, it is directed that in the event of arrest of the petitioners, they shall be released on bail subject to the following conditions:-

1. That they shall make themselves available for interrogation by a police officer as and when required;
2. That 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 them from disclosing such facts to the Court or to any police officer;
3. That they shall not leave India without the previous permission of the Court.

April 17, 2007 sd/-S.D.Anand

Judge.

True Copy

Advocate

Annexure P-3

Crl.Misc.No.22760-M of 2007

Present: Mr.Vipin Mahajan, Advocate for the

petitioners.

Mr.Rajesh Bhardwaj, DAG, Punjab.

It is stated by Mr.Bhardwaj, learned DAG, Punjab, on instructions from H.C.Jagdish Singh that pursuant to the order dated April, 17, 2007, the petitioners have joined the investigation and are no longer required for the said purpose.

In this view of the matter, the above-stated order is made absolute, however, subject to the condition that as and when the challan is presented, the petitioners shall surrender before the learned trial court and shall seek regular bail.

Disposed of.

August 21, 2007 sd/-

(SURYA KANT)

JUDGE

True Copy

Advocate

Annexure P-4

In the Court of Shri Bua Jee Sansi, Addl.Sessions Judge, Jalandhar.

Bail Application No.1235 of 2007

Date of Institution: 22.12.2007

Date of Decision: 19.1.2008

State versus Love alias Chintu Gill s/o

Surinder Kumar r/o H.No.96/2, Ward No.3, Mohalla Rishi Nagar, Nakodar, District Jalandhar.

F.I.R.No.61 dated 12.3.07

u/s:307,324,323,380,506,427,148/149/326/325 IPC

(Bail application u/s 438 Cr.PC.)

Present: Shri Narinder Singh counsel for the

Applicant.

Shri Iqbal Singh, Addl.P.P.for the State with HC Daljinder Singh PS, Nakodar.

Order:

Through this bail application under section 438 Cr.P.C. accused-petitioner has applied for granting him pre-arrest bail in FIR No.61 dated 12.3.07 registered at P.S.Nakodar, under sections 307/324/323/380/506/427/148/149/326/325 IPC.

Upon notice, HC Daljinder Singh from police station Nakodar, appeared. Applicant has already been granted concession of pre-arrest bail by this FIR vide order dated 7.12.2007. The only change now brought by the police in this case is that offence under section 307 IPC has been deleted and offence u/s 326 IPC has been added. The applicant is seeking pre-arrest bail only u/s 326 IPC. So in continuation of order dated 7.12.2007 passed by this court this application for newly added offence u/s 326 IPC is allowed and the police of police station Nakodar, Jalandhar is directed that in case of arrest, the applicant/accused shall be released on bail on his furnishing personal bond in the sum of Rs.20,000/- with one surety of the like amount in this case subject to the following conditions:

1. That the applicant shall join the investigation as and when called by the police.
2. He will not induce or influence the prosecution witnesses in any manner and
3. That he will not leave India without prior permission of the court.

Papers be consigned.

Pronounced (Bua Jee Sansi)

Dated 19.1.2008 Additional Sessions Judge

Jalandhar

True Copy

Advocate

Annexure P-5

In the Court of Shri Bua Jee Sansi, Addl.Sessions Judge, Jalandhar.

Bail Application No.6 of 2009

Date of Institution: 6.1.09

Date of Decision: 15.1.2009

State versus 1.Parshsotam Lal @ Fauji son of

Banarsi Dass.

2.Himat Kumar son of Parshotam

Lal.

3.Surinder son of Gian Chand

All residents of Mohalla Rishi Nagar, Nakodar, Distt.Jalandhar.

.........Accused/Petitioners.

F.I.R.No.61 dated 12.3.07

u/ss:326,324,323,380,506,427,148/149 IPC

(Bail application u/s 438 Cr.PC.)

AND

Bail Application No.18 of 2009

Date of Institution:12.1.09

Date of Decision: 15.1.2009

State versus Farish son of Prem Lal resident

of Mohalla Rishi Nagar,Nakodar, Distt.Jalandhar.

.......Accused/Petitioner.

F.I.R.No.61 dated 12.3.07

u/ss:326,324,323,380,506,427,148/149 IPC

(Bail application u/s 439 Cr.PC.)

Present: Sh.Rakesh Kannojiya counsel for the

applicants.

Shri Avtar Singh Addl.P.P.for the State with IO with record.

Copy of Order

1. This order of mine will dispose of the abovesaid two bail applications, one under section 438 Cr.P.C.filed by the applicants arising from one and the same FIR No.61 dated 12.3.07 registered at Nakodar under sections 326, 324, 323, 38o, 506, 427, 148/149 IPC.
2. In brief, the facts of the case of prosecution, as given by injured/complainant Happy Singh in his statement recorded during investigation are that he is resident of Rishi Nagar, Nakodar and running Ujala Medical Centre. On 12.3.07, at about 8.30 in the morning, Parshotam Lal alias Fauji armed with Kirpan, Himat Kumar armed with Kirpan, Surinder Kumar armed with Datar (applicants), Pappu (non-applicant) armed with handle of spade, Dimple, Love, Dimpy, Sunny (non-applicants), accompanied by Farish, (applicant) armed with Datar entered in his shop. They were raising Lalkaras and giving filthy abuses. Parshotam Lal applicant raised a Lalkara and gave sword blow on the left side head of the complainant. Complainant was dragged out from his shop. Then Himat Kumar gave a sword blow on the backside of the head of the complainant. Pappu gave blow with handle of spade above the left eye. Surinder Kumar gave Datar blow on the left hand fingers, Dimple gave Datar blow on the left hand fingers of the complainant, Farish gave Datar blow on the right hand fingers of the complainant. They all inflicted injuries on the person of the complainant with intention to murder him. Injured raised raula which attracted his younger brother Deepak. The assailants also damaged the shop of the complainant. While fleeing, the assailants also took away Rs.70,000/- from the counter of the shop of the complainant. Injured was shifted to Civil Hospital, Nakodar and on his statement, the abovesaid FIR against the applicants and others was registered.
3. Ld.counsel for the applicants/accused Purshotam Lal, Himat Kumar and Surinder Kumar has argued that co-accused of the present applicants stand already released on bail under section 438 Cr.P.C. by the Hon’ble High Court vide order dated 21.8.07. He further argued that nothing has to be recovered from the abovesaid applicants. He also contended that offence under section 307 IPC has been deleted. The applicants are ready to join the investigation as and when called by the police; they will not induce or influence the prosecution witnesses and will not leave the country without the prior permission of the trial court if their bail application is allowed.
4. On the other hand, ld.Addl.PP for the State assisted by the IO and supported by record has argued that applicant Parshotam Lal alias Fauji and Himat Kumar were armed with swords while Surinder was armed with Datar. Police wants to recover the weapons of offence from them alongwith Rs.70,000/-. Those can only be recovered from them if their custody is given to the police. It is, therefore, prayed that the bail application be dismissed.
5. I have considered the arguments advanced by ld.counsel for the accused/applicants and ld.Addl.PP for the State and have also gone through the police file carefully.
6. All the applicants who are seeking pre-arrest bail were armed with deadly weapon. Weapons are to be recovered from them alongwith cash of Rs.70,000/-. Those can only be recovered from them if their custody is given to the police. So, keeping in view the gravity of the offence committed by the applicant, I find no ground to grant them the concession of pre-arrest bail. Accordingly, their bail application under section 438 Cr.P.C. is dismissed.
7. Ld.Counsel for applicant Farish argued that applicant was arrested in this case on 31.12.08 and since then he is in judicial lock up. He is no more wanted by the police for any further investigation or interrogation. He further argued that prosecution will take sufficient time in presenting the challan and concluding the trial. It is, therefore, prayed that the applicant be granted regular bail by allowing this bail application.
8. On the other hand, ld.Addl.PP for the State has argued that mere arrest of the applicant in this case on 31.12.2008 is no ground to grant regular bail to him and prayed that the bail application be dismissed.
9. I have considered the arguments advanced by ld.counsel for the accused/applicant and ld.Addl.PP for the State.
10. DSP Sub-Division Nakodar, during his enquiry recommended the deleting the offence under section 307 IPC. However, applicant and his co-accused inflicted eight injuries on the person of Happy complainant, out of which three injuries are on the head of the complainant and further out of eight, two are grievous in nature. So, keeping in view the gravity of the offence committed by the applicant, he is not entitled to the concession of regular bail. Hence his bail application under section 439 Cr.P.C.is dismissed. A copy of this order be placed in the connected bail application. File be consigned.

Pronounced (Bua Jee Sansi)

Dated 15.1.2009 Additional Sessions Judge

Jalandhar

True Copy

Advocate

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT CHANDIGARH

Criminal Miscellaneous No………….of 2009

Farish ………Petitioner.

Versus

State of Punjab …… Respondent.

I N D E X

|  |  |  |  |
| --- | --- | --- | --- |
| Sr.No | Particulars | Dates | Pages |
| 1. | Application for exemption | 05.02.09 | 1 |
| 2. | Criminal Misc. | 05.02.09 | 2-8 |
| 3. | Annexure P-1 (Inquiry report) |  | 10-14 |
| 4. | Annexure P-2 (High Court Order) | 17.04.07 | 15-16 |
| 5. | Annexure P-3 (High Court Order) | 21.08.07 | 17 |
| 6. | Annexure P-4  (Order passed by Ld. Addl.Sessions Judge) | 19.01.08 | 18-19 |
| 7. | Annexure P-5  (Order passed by Ld. Addl.Sessions Judge) | 15.01.09 | 20-25 |
| 8. | Power of Attorney |  | 26 |

Note:- ANY NOTICE OF CAVEAT: NIL

CHANDIGARH (MUNISH BHARDWAJ & KAMAL K. SHARMA)

DATED 28.1.2009 ADVOCATES

COUNSEL FOR THE PETITIONERS

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT CHANDIGARH

Cr.M.No.3780 of 2009

Farish vs. State

* It is a regular bail.
* Petitioner is behind the bar since 31.12.2008.

- **FIR No**.61 dt.12.3.2007 u/s 326 (earlier u/s

307), 324,323, 380, 506, 427, 148/149 IPC

P.S.Nakodar Distt.Jalandhar.

* Present FIR is registered on the complaint of one Happy @ Ujala.
* Allegation against the petitioner is that he

was carrying Datar with which he hit the

complainant. **Page 3 in FIR**

* Totally wrong allegations have been made against the petitioner. He is not involved in the present case and not at all present on the spot.
* **Cross case**: Actually it is a case of cross version. A fight had taken place between Dimple and Love on the one side and complainant-Happy @ Ujala and his brother on the other side. Both the parties suffered injuries and they were hospitalized.
* Happy MLR No.BSM-2/07
* Deepak-brother of Happy MLR No.BSM-3/07
* Dimple MLR No.BSM-5/07
* Love MLR No.BSM-4/07
* Petitioner was not at all present on the spot and his name was given due to politics in the Mohalla.
* **Inquiry**: An inquiry was conducted by DSP who found the petitioner innocent. Inquiry report **P-1**. **Page 13-14**
* Co-accused has been granted either anticipatory bail or regular bail.
* Dimple who was armed with Datar was arrested on 17.3.2007 and he was granted regular bail by the ASJ.
* Some accused (Pappu armed with handle of spade, Dimpi armed with Datar, Raju armed with base bat, Sunny armed with base bat) has been granted anticipatory bail by this Hon’ble Court. Interim and final order **P-2 and P-3**.17.4.2007/21.8.2007.
* Another accused Love armed with datar has been granted anticipatory bail by ASJ on 19.1.2008. **P-4**
* Parshotam, Himat and Surinder filed application for anticipatory bail in which notice has been issued.
* Bail of the petitioner was dismissed illegally by ASJ vide order dt.15.1.2009. **P-5 finding at page 24-25.**

- Petitioner was arrested in this case on

31.12.2008 and since then he is in jail. More than two months has passed.

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT CHANDIGARH

Cr.M.No.2708 of 2009

Parshotam, Himat, Surinder vs. State

* It is a anticipatory bail.

- **FIR No**.61 dt.12.3.2007 u/s 326 (earlier u/s

307), 324,323, 380, 506, 427, 148/149 IPC

P.S.Nakodar Distt.Jalandhar.

* Present FIR is registered on the complaint of one Happy @ Ujala.
* Allegation against the petitioners are that petitioner No.1 and 2 were carrying sword, whereas petitioner No.3 was carrying datar

**Page 3 in FIR**

* Totally wrong allegations have been made against the petitioner. They are not involved in the present case and not at all present on the spot.
* **Cross case**: Actually it is a case of cross version. A fight had taken place between Dimple and Love on the one side and complainant-Happy @ Ujala and his brother on the other side. Both the parties suffered injuries and they were hospitalized.
* Happy MLR No.BSM-2/07
* Deepak-brother of Happy MLR No.BSM-3/07
* Dimple MLR No.BSM-5/07
* Love MLR No.BSM-4/07
* Petitioners were not at all present on the spot and their name was given due to politics in the Mohalla.
* **Inquiry**: An inquiry was conducted by DSP who found the petitioner innocent. Inquiry report **P-1**. **Page 14-15.**
* Co-accused has been granted either anticipatory bail or regular bail.
* Dimple who was armed with Datar was arrested on 17.3.2007 and he was granted regular bail by the ASJ.
* Some accused (Pappu armed with handle of spade, Dimpi armed with Datar, Raju armed with base bat, Sunny armed with base bat) has been granted anticipatory bail by this Hon’ble Court. Interim and final order **P-2 and P-3**.17.4.2007/21.8.2007.
* Another accused Love armed with datar has been granted anticipatory bail by ASJ on 19.1.2008. **P-4**
* Bail of the petitioners was dismissed illegally by ASJ vide order dt.15.1.2009 on the ground that petitioners were armed with deadly weapons, recovery is yet to be made, gravity of offence. **P-5 finding at page 25.**