

**Sr. No. 209
IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CRM No. M- 2005 of 2016 (O&M)

Date of Decision: 06.04.2016

Mukhtiar Singh

..Petitioner

Versus

State of Haryana

...Respondent

CRM No.M-4526 of 2016 (O&M)

Naib Singh and another

...Petitioners

Versus

State of Haryana

...Respondent

CRM No.M-5611 of 2016 (O&M)

Gurbagh Singh and another

...Petitioners

Versus

State of Haryana

...Respondent

CRM No.M-5007 of 2016 (O&M)

Shadi Singh and others

...Petitioners

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. K.D.S.Hooda, Advocate,
for the petitioner(s) in CRM Nos.M-2005 and 4526 of
2016.

Mr. H.P.S.Ishar, Advocate,
for the petitioner(s) in CRM Nos.M- 5007 and 5611 of
2016.

Mr. Vivek Saini, DAG, Haryana.

Mr. Amit Kumar, Advocate,
for the complainant.

TEJINDER SINGH DHINDSA. J (ORAL)

This order shall dispose of CRM Nos.M-2005 of 2016 titled as Mukhtiar Singh Vs. State of Haryana, CRM No.M-4526 of 2015 titled as Naib Singh and another Vs. State of Haryana, CRM No.M-5611 of 2016 titled as Gurbagh Singh and another Vs. State of Haryana and CRM No.M-5007 of 2016 titled as Shadi Singh and others Vs. State of Haryana as these four connected petitions seeking concession of pre-arrest bail to the petitioners therein arise out of the same FIR i.e. FIR No.01 dated 02.01.2016, under Sections 148, 149, 323, 325, 342, 427, 506 of Indian Penal Code, registered at Police Station Pinjore, District Panchkula.

Briefly, it may be noticed that FIR was registered on the statement of Ashish Bhatia. Allegations pertain to an alleged occurrence dated 02.01.2016. Complainant had stated that he along with his father Sanjeev Bhatia and one Ashish Sharma had gone to their land situated on Pinjore Nalagarh Road and whereupon they were assaulted by the petitioners herein as also a number of other persons. Accusations are with regard to danda and brick bat blows having been inflicted upon Sanjeev Bhatia i.e. father of the complainant.

It has gone uncontroverted that there is a dispute between the parties with regard to possession of the land in question and even civil proceedings i.e. a suit for permanent injunction already stands instituted by Sanjeev Bhatia i.e. father of the complainant.

On 20.01.2016 while issuing notice of motion, the following order was passed by this Court in CRM No.M-2005 of

2016:-

"Petitioner seeks concession of pre-arrest bail in case FIR No.01 dated 02.01.2016, under Sections 148, 149, 323, 325, 342, 427 and 506 of Indian Penal code, registered at Police Station Pinjore, District Panchkula.

FIR has been registered on the statement of Ashish Bhatia. Allegations pertain to an alleged occurrence dated 02.01.2016. Complainant has alleged that he along with his father Sanjeev Bhatia and one Ashish Sharma had gone to their land situated on Pinjore Nalagarh Road and whereupon they were assaulted by Ajaib Singh and Naib Singh and a number of other persons.

Counsel would submit that the present petitioner is a real brother of Ajaib Singh and Naib Singh. He further contends that it is a case of false implication and which would be apparent from the fact that the petitioner as also his brothers/co-accused are co-sharers in joint possession of the land in question. Towards substantiating such submissions, counsel has adverted to the document placed on record at Annexure P-2 i.e. a suit for permanent injunction instituted by Sanjeev Bhatia i.e. father of the complainant and in which the present petitioner as also the said two co-accused, namely, Ajaib Singh and Naib Singh were duly arrayed as party defendants. The Court of Additional Civil Judge (Senior Division), Kalka, while declining the application moved by Sanjeev Bhatia under Order 39 Rule 1 & 2 CPC has clearly noticed that Sanjeev Bhatia as also the present petitioner and his brothers, namely, Ajaib Singh and Naib Singh were co-sharers in joint possession of the land.

Notice of motion, returnable for 06.04.2016.

In the event of arrest, the petitioner shall be

released on interim bail subject to the satisfaction of the Arresting/Investigating Officer. The petitioner shall join investigation as and when called upon to do so and he shall remain bound by the conditions envisaged under Section 438(2) Cr.P.C.”

Notice of motion order dated 08.02.2016 in CRM No.M-4526 of 2016 reads in the following terms:-

“Petitioners seek concession of anticipatory bail in case FIR No.1 dated 02.01.2016, under Sections 148/149/323/325/342/427/506 IPC, registered at Police Station Pinjore, District Panchkula.

FIR has been registered on the statement of Ashish Bhatiya. Occurrence is stated to be of 02.01.2016 in which the accused/present petitioners are stated to have assaulted the complainant as also his father Sanjeev Bhatiya.

Counsel appearing for the petitioners would contend that both the parties are joint owners of a parcel of land and a suit had been instituted by Sanjeev Bhatiya/injured and the same was withdrawn in August, 2015. It is further submitted that even partition proceedings pertaining to the same very parcel of land stand initiated and are pending. It is further submitted that the occurrence has taken place only on account of an attempt having been made to secure forcible possession of a certain portion of land which otherwise was held jointly.

Counsel further submits that the petitioners are otherwise ready and willing to join investigation.

Notice of motion, returnable for 06.04.2016.

In the event of arrest, the petitioners shall be released on interim bail subject to the satisfaction of the Arresting/Investigating Officer. The petitioners shall join

investigation as and when called upon to do so and they shall remain bound by the conditions envisaged under Section 438(2) Cr.P.C.”

Likewise, notice of motion was issued in CRM No.M-5007 of 2016 on 11.02.2016:-

“Counsel would place reliance upon an order dated 20.01.2016, passed by this Court in CRM No. M-2005 of 2016 wherein co-accused Mukhtiar Singh who is stated to be similarly situated with the present petitioner has been granted ad interim protection as regards arrest.

Notice of motion, returnable for 06.04.2016.

To be listed along with CRM No. M-2005 of 2016.

In the meanwhile, petitioners are directed to appear before the Investigating Officer and to join investigation.

In the event of arrest, the petitioners shall be released on interim bail subject to the satisfaction of the Arresting/Investigating Officer. The petitioners shall join investigation as and when called upon to do so and they shall remain bound by the conditions envisaged under Section 438(2) Cr.P.C.”

Notice of motion order dated 17.02.2016 in CRM No.M-5611 of 2016 was in the following terms:

“Counsel would place reliance upon an order dated 20.1.2016 passed by this Court in CRM No. M-2005 of 2016 in the light of which coaccused Mukhtiar Singh has been granted interim protection as regards arrest. Counsel would submit that even Ajaib Singh and Naib Singh, who are also co-accused in the matter have also been granted interim protection.

Notice of motion, returnable for 6.4.2016.

To be listed along with CRM No. M-2005 of 2016.

Interim protection in the same terms.”

Learned State counsel upon instructions from SI Nawab Khan would apprise the Court that all the petitioners in these four connected petitions have since joined investigation and dandas have been recovered from them.

The petitioners having already joined investigation, their custodial interrogation as such would not be warranted.

Petitions are allowed. Orders dated 20.01.2016 in CRM No.M-2005 of 2016, 08.02.2016 in CRM No.M-4526 of 2016, 17.02.2016 in CRM No.M-5611 of 2016 and 11.02.2016 in CRM No.M-5007 of 2016, passed by this Court, are made absolute.

Disposed of.

06.04.2016

vandana

**(TEJINDER SINGH DHINDSA)
JUDGE**