

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-27657 of 2016

Date of Decision: August 26, 2016

Gurpreet @ Gopi

Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. N.P. Bhardwaj, Advocate
for the petitioner.

Mr. Munish Sharma, AAG, Haryana.

Mr. Saurabh Bharadwaj, Advocate
for the complainant.

FATEH DEEP SINGH, J.

The allegations against the petitioner Gurpreet @ Gopi in this anticipatory bail application are that the land owned by the local Gram Panchayat was auctioned in favour of the complainant Prem Chand and it is alleged that on 17.07.2016 when he went to plough fields the petitioner along with his son stopped him from doing so and remarked “*Saale Chure Kamine is Jamin Me Ghus Ke Dekh*” and which effort of the complainant to plough his fields again rendered futile on 28.07.2016 leading to the registration of the present case.

The contentions of the learned counsel for the petitioner that it is only a dispute over ploughing of land which had led to this false case being registered on frivolous grounds and that the petitioner is already in possession of this land prior to its allotment and it is the complainant side which has tried to take over the land and has sought to advert to the

representation Annexure P/2 and photographs Annexure P/3.

Learned State counsel assisted by learned counsel for the complainant has opposed the grant of bail on the ground that in view of the specific provisions contained in Section 3, 18 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (in short, 'the Act') the petitioner is disentitled to grant of anticipatory bail

Appreciating the submissions, admittedly it is a pure simplicitor dispute over land which is already in occupation of the petitioner and the very attraction of the offences under Sections 3(1)(iv) and 3(1)(v) of the Act is subject matter of evidence and the mere words spelled out is a debatable issue as to the attraction of these offences and it is not a case where the complainant is ousted from his land and it is the alleged assertion of the right of the complainant to take possession of the land which he claims to have been allotted to him.

In view thereof and since nothing is to be recovered from the petitioner, the present petition seeking anticipatory bail is allowed. In the event of arrest of the petitioner he be admitted to bail to the satisfaction of the arresting officer/Investigating Officer and that he will abide by the conditions as envisaged under Section 438(2) Cr.P.C.

(FATEH DEEP SINGH)
JUDGE

August 26, 2016
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No