

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-14833 of 2017
Date of Decision: 04.05.2017

Phool Singh

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Raman Chawla, Advocate
for the petitioner.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.163 dated 23.02.2017 registered for offences punishable under Sections 297 and 447 of Indian Penal Code (for short, "IPC") and 3(1) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short 'SC/ST Act') at Police Station Sadar Hisar, District Hisar.

Heard.

Notice of motion.

On asking of the court, Mr. Vikramjit Singh, Addl. AG, Haryana, who is present in the Court accepts notice and submits that intimation by Registry informing of fixation of the petition has already been received and record of the case is available with him.

Allegation against the petitioner is that he encroached upon the *panchayat* land reserved for cremation ground of children of *chamar* community. Proceedings were initiated against the petitioner for vacating that land under Section 7(1) of Punjab Village Common Lands (Regulation)

Act, 1961 and ejectment order was passed. It is evident that petitioner is already in possession of suit land and decree of injunction was passed against *gram panchayat*, which led it to initiate proceedings under Section 7 (1) of Punjab Village Common Lands (Regulation) Act, 1961.

It is submitted that the petitioner was arrested on 03.04.2017 and challan has been presented against him in Court.

It is a matter to be seen by the trial Court as to whether on the basis of allegations in the FIR any offence is made out against the petitioner.

Without expressing any opinion on merits of the case and keeping in view the fact that conclusion of trial will take considerably long time, the present petition is allowed. Petitioner-Phool Singh is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate, subject to following terms:-

- (a) The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel his bail bond and surety bond and proceed to procure his presence in accordance with law. In that eventuality the petitioner shall have to apply for bail afresh.
- (c) He shall not leave the country without the previous permission of the Court.

May 04, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No