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

CRM-M No.11305 of 2018
Date of Decision: 23.03.2018

Harbhajan Singh

.....Petitioner

Vs

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Gursimran Singh Bhatia, Advocate
for the petitioner.

Mr. Hittan Nehra, Addl. A.G., Punjab.

RAJ MOHAN SINGH, J.(Oral)

1. Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.135 dated 20.08.2017, registered under Sections 302, 307, 323, 324, 452, 447, 511, 506, 427, 120-B, 148, 149 IPC, Sections 25/27/54/59 of Arms Act and Section 3(1) (x), (2) (v) of S.C. & S.T. Act at Police Station Lopoke, District Amritsar.

2. Learned counsel for the petitioner submitted that there was a well fought litigation in respect of land belonging to one Chanan Kaur, which was allotted to her in the category of landless persons in the village. Husband of Chanan Kaur was relative of present petitioner. In the year 1975, an allegation was

made that Harbhajan Singh/petitioner and others in connivance with each other got murdered Chanan Kaur through his brother Narinder Singh. Narinder Singh was convicted and sentenced for life. Thereafter, mutations were sanctioned in favour of Harbhajan Singh/petitioner. Some of the villagers had even constructed their houses on the land so allotted to them. Those villagers challenged the mutations before the Sub Divisional Magistrate, who ultimately cancelled the same in the year 2011. Mutations were sanctioned in favour of Government of Punjab. Collector and Commissioner maintained the order of Sub Divisional Magistrate. Ultimately, a civil writ petition was filed in the High Court in which Director, Panchayati Raj made a statement that 95 allottees of the village will be accommodated on some other land on exchange basis. The said writ petition was disposed of in favour of the petitioner.

3. Learned counsel further submitted that on 18.07.2017, there was alleged delivery of possession. Allegations were made that an effort was made to take forcible possession of the land with the mob consisting of about 200 persons. Rupinder Singh fired upon Sukhdev Singh, who fell down. Amandeep Singh also fired upon Sahib Singh, thereby causing injury upon him. Other assailants also assaulted the complainant party. Petitioner was not named in the FIR in the

context of assaulting the complainant party, however, his name has been disclosed in the background of allegation which started in the manner as suggested above.

4. Learned counsel further submitted that co-accused namely Gurwinder Singh @ Gurinder Singh, Sukhbir Kaur, Manpreet Singh, Jasbir Singh, Pawandeep Singh, Gurpreet Singh, Sukhbir Kaur and Manpreet Singh have already been granted regular bail by this Court.

5. Learned State counsel on instructions from ASI Kulwinder Singh submitted that charges are yet to be framed, however, statement of fact as narrated above has not been disputed.

6. The petitioner is in custody since 13.09.2017 and challan has already been presented.

7. In view of above, petition is allowed. Petitioner is ordered to be enlarged on bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court.

8. Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

23.03.2018
jyoti

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No