

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

CRM-M-34296 of 2018 (O&M)

Decided on:-October 15, 2018.

Darshan Singh.

.....Petitioner.

Versus

State of Punjab.

.....Respondent.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

Present:- Mr. A.G.S. Dhillon, Advocate
for the petitioner.

Mr. Tanvir Joshi, Assistant Advocate General, Punjab.

Mr. J.S. Mehendiratta, Advocate
for the complainant.

HARI PAL VERMA, J.

Prayer in this petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner in FIR No.61 dated 27.06.2018 under Sections 379, 341, 506 and 323 read with Section 34 IPC registered at Police Station Bakshiwal, District Patiala.

The aforesaid FIR was registered at the behest of complainant Hardeep Singh to the effect that on 27.06.2018 at about 01.30 P.M. when he had gone to see his paddy fields, the petitioner-accused was ploughing his fields with a tractor. Noticing the complainant, the petitioner-accused started throwing water with his tractor leveller towards the fields of the complainant due to which the common boundary started breaking and the paddy was also

damaged. When the complainant started making movie of the incident, the petitioner-accused got agitated and came down from his tractor along with his servant. He started abusing the complainant and gave beatings to him along with his servant. The petitioner-accused also picked up a dang from his tractor and gave a blow towards the complainant. However, in order to save himself, the complainant brought his left arm ahead and the dang blow hit his arm, due to which his arm was broken and he fell down. He also received many internal injuries.

Learned counsel for the petitioner has argued that the FIR has falsely been registered against the petitioner. In fact, the complainant was the aggressor. Earlier also, an application was given by the mother of the complainant against the present petitioner. An enquiry was conducted by the police and it was found that due to the pendency of a civil litigation between the parties, false and frivolous allegations were being levelled against the petitioner. Even otherwise, the civil suit is pending between the parties which was filed by the petitioner on 10.07.2017. Therefore, the question that the petitioner wanted to take forcible possession of the land does not arise when parties are already in civil litigation.

On the other hand, learned State counsel and learned counsel for the complainant have argued that the complainant was injured in the case for which offence under Section 325 IPC has also been added. A doctor of Rajendra Hospital, Patiala has given an opinion that the nature of injury No.2 on the person of complainant was grievous, whereas injuries No.1, 3 and 4 were simple in nature, thus offence under Section 325 IPC has been added in the case against the petitioner.

Having heard learned counsel for the parties and considering the fact that a doctor has opined that the injury No.2 on the person of complainant-injured is grievous in nature, though other injuries No.1, 3 and 4 were simple in nature, this Court finds that no case is made out for grant of anticipatory bail to the petitioner.

Accordingly, the present petition, being devoid of any merit, is dismissed.

The observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

October 15, 2018
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned:	Yes
Whether Reportable:	No