

S.No.224

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

CRM-M-50647 of 2018 (O&M)

Date of Decision:22.11.2018

Gurdev SinghPetitioner

Vs.

State of PunjabRespondent

CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Divjyot S. Sandhu, Advocate
for the petitioner.
Mr. Hittan Nehra, Addl. AG, Punjab.
Mr. Dheeraj Mahajan, Advocate for
the complainant.

Rajbir Sehrawat, J.(Oral)

The present petition has been filed by the petitioner under Section 439 Cr.P.C for grant of bail pending trial in case FIR No.70 dated 07.10.2018 registered under Sections 420/465/467/468/471 IPC at Police Station Sekhwan, District Batala.

Counsel for the petitioner contends that the inadvertent mistake committed by the then revenue official in issuing a jamabandi with a wrong khasra number has been sought to be converted into a criminal case. It is contended that the actual khasra number of the land, on which the tubewell with the electricity connection is situated is 23/15, whereas, at the time when the connection was obtained in the name of the petitioner, the revenue official had issued the jamabandi with wrong khasra No.3/15, for the same piece of land and this jamabandi was submitted to the Electricity Board. It is further contended that khasra No.23/15 does exist in the revenue record and at the time when the connection was obtained, it belonged to the family of the petitioner only. It is further contended that the petitioner had regularly paid the electricity bill of the tubewell till the free supply of electricity to the farmers was started by the State of Punjab.

Mr. Dheeraj Mahajan, Advocate appearing for Baldev Singh, complainant to the Electricity Board, who is brother of the petitioner, submits that the present proceedings have been initiated on the complaint made by Baldev Singh. It is submitted that the petitioner has never been in exclusive possession of either the khasra No.3/15, which is non-existent in the revenue record, or of the khasra No.23/15. The Khasra No.23/15, earlier was part of the joint holding of the family. The partition proceedings qua the joint holding of the family are still pending. Possession has still not been handed over to the respective parties despite the orders of authorities conducting the partition proceedings. It is contended that since the complainant is also the joint owner of the land in question, on which the tubewell is installed and electricity connection is taken, therefore, the tubewell in question is a joint family property. He has every right to use the same; in the same proportion as the petitioner is using alongwith their other brothers. However, the petitioner has not permitted him to use the said tubewell so far, during the past eighteen years.

Learned State Counsel, being instructed by ASI Vijay Kumar submits that on the complaint of Baldev Singh, the electricity connection of the tubewell in question has been disconnected. However, he has not been able to dispute that earlier the petitioner was paying electricity bill regularly till free electricity supply was started by the State of Punjab.

In view of the above, it would not be unjustified if the petitioner is granted benefit of the concession of bail pending trial.

Accordingly, the present application is allowed. The petitioner is ordered to

be released on bail pending trial on his furnishing bail bonds/sureties to the satisfaction of the concerned CJM/ Duty Magistrate.

However, in the interest of irrigation of agricultural land and to maintain peace within family of the parties, it is directed that the Electricity Board, as an interim measure, shall restore the electricity connection of the tubewell concerned, within a period of one month from today, subject to the final outcome of the present FIR.

Still further, it is directed that Shri Baldev shall have equal rights to irrigate the land from this tubewell, in the same proportion, as his other brothers are using the tubewell, till the partition proceedings are finally decided by the revenue authorities. It is further clarified that, in case the petitioner creates any hindrance in the use of the tubewell by Baldev Singh, in proportion to the other brothers as ordered above, then Baldev Singh shall be at liberty to get the bail of the petitioner cancelled and to get the electricity connection disconnected once again.

November 22, 2018	(RAJBIR SEHRAWAT)
renu	JUDGE
Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No

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AT CHANDIGARH**

CRM-M-50648 of 2018 (O&M)

Date of Decision:22.11.2018

Indo Devi and others

.....Petitioners

Vs.

State of Haryana

.....Respondent

CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. R.S. Arya, Advocate
for the petitioners.

Mr. Karan Sharma, AAG,
Haryana.

Rajbir Sehrawat, J.(Oral)

The present petition has been filed by the petitioners under Section 439 Cr.P.C for grant of bail pending trial in case FIR No.177 dated 17.08.2018 registered under Sections 148, 149, 224, 225, 332, 353, 427, 436, 452, 506 IPC at Police Station Bilaspur, Yamuna Nagar.

Counsel for the petitioners contends that petitioners No.1 to 3 are the ladies and petitioner No.4 is an old age person. The petitioners No.1 to 3 are the ladies of the family of Sumeet and respondent No.4 is the uncle of the said accused. It is contended that the only allegation against the petitioners is that when co-accused, namely, Mohinder had intimidated the petitioners, then they also reached the Police Post. However, there is no separate and specific allegations against the present petitioners.

Learned counsel for the State, being instructed by ASI Younus Ali submits that the petitioners are involved in obstructing the Police in performing its duties. However, it is not disputed that there is no separate and specific allegations qua any incident against the present petitioners.