

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-12043-2019 (O&M)

Date of Decision:-18.3.2019

Dharampal and others

... Petitioners

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. G.C. Shahpuri, Advocate for the petitioners.

Ms. Aditi Girdhar, Assistant Advocate General, Haryana.

GURVINDER SINGH GILL, J.(Oral)

The petitioners seek grant of anticipatory bail in respect of a case registered against them FIR No.60 dated 18.2.2019 at Police Station Station Barwala, District Hisar under Sections 147, 149, 323, 427 and 506 of Indian Penal Code, 1860, wherein offence under Section 325 IPC was added lateron.

Mr. Rose Gupta, Advocate has today put in appearance on behalf of the complainant and has filed *Vakalatnama*, which is taken on record.

The FIR was lodged at the instance of Surajmal, wherein it has been alleged that the Gram Panchayat, Badopati was constructing a '*firni*' of the village, a part of which had been illegally encroached upon by the accused, regarding which a complaint had been lodged with BDPO,

Barwala. It is alleged that on 14.2.2019, it was decided that a 'chowk' between the houses of the complainant and the accused would be 8 inches in height in the middle, while it would be lower in height on the sides, so that the rain water flows without any obstruction. It is alleged that the accused namely Dharampal, Rohtash, Kavar Singh, Rajesh, Atam Parkash, Satbir, Fateh Singh, Ritesh, Pankaj, Mahender, Punit and Mukul alongwith some other unknown persons had brought sand and stones 16.2.2019 with the help of JCB machine and placed the same so as to disturb the level of the chowk. On 17.2.2019, at about 9:30 AM, when the complainant and his son were called to the spot by Contractor Rajesh and Panchayat Secretary Pawan Kumar, they assured that nothing wrong would be done but the accused, who were standing there, attacked the complainant and his son Sandeep. It is alleged that in the meantime, the complainant's wife also came there, who was dragged by the accused and Fateh Singh gave brick blow on her shoulder. Vijay is alleged to have hit the head of complainant's son Kuldeep. It is alleged that Rohtash gave a brick blow to complainant's son Sandeep, which hit his foot, as a result of which he sustained fracture. It is further alleged that Fateh Singh also entered the house of the complainant and gave a blow with a brick to complainant's son Sandeep hitting on the lower part of his leg.

The learned counsel for the petitioners has submitted that the petitioners have falsely been implicated in the present case and that, in any case, the alleged 'grievous injury' is attributed to the non-applicant Rohtash, who has already been granted regular bail.

Opposing the petition, the learned State counsel assisted by the learned counsel for the complainant has submitted that the petitioners are

habitual offenders and that they were also involved in another identical case, regarding which one FIR was lodged in the year 2016 and that the petitioners have intentionally concealed the said fact in their petition. It has, however, been informed that the street/chowk in question, which was being made by the Panchayat, has since been constructed.

A perusal of the police file also shows that infact two of the persons from the side of accused namely Fateh Singh and Rohtash have also sustained simple injuries.

Having regard to the facts and circumstances of the case and while noticing that the 'grievous injury' is attributed to the non-applicant, who has since been granted regular bail, in my opinion, it is not a case requiring custodial interrogation. The petition, as such, is accepted. The petitioners, in the event of arrest, be released on bail subject to their furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioners shall join the investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

The present petition stands accepted accordingly.

18.3.2019

pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No