

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

202) **Crl. Misc.No.M-42404 of 2019 (O&M)**
Date of Decision: 29.11.2019

Jawahar Lal and others

...Petitioners

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. N.S.Shekhawat, Advocate, for the petitioners.

Mr. Surinder Singh, AAG, Haryana.

Mr.Anil Ghanghas, Advocate for the complainant.

Amol Rattan Singh, J. (ORAL)

Pursuant to the order dated 18.10.2019, learned State counsel has filed an affidavit of Shri Virender Singh Sangwan, HPS, Superintendent of Police, Hansi, in the Court today, which is ordered to be taken on record.

It is stated therein that the petitioners were armed with *farsas*, *kassis* and iron rods in their hands, though it was the complainant party who had entered the field of the petitioners with swords in their hands (specifically Sagar and Bhupinder).

It has been further stated that it is not clear from the video clips as to who gave the first blow, but the 'aggressor party was the complainant party, namely, Sagar etc. and not the petitioners.'

The incident having taken place in the field of the present petitioners is also stated to have been verified by comparing the fields from the revenue record.

However, learned counsel for the complainant submits that the occurrence took place because the petitioners (as contended) blocked the waterway going to the field of the complainant and therefore, when the complainant tried to dismantle the blockage, the fight took place.

Without going into the merits of the case, the finding of the SP being to the effect that it was the complainant party that had attacked (for whatever reasons, whether on provocation or otherwise not being commented upon by this Court), obviously, the petitioners cannot be denied the concession of anticipatory bail.

Consequently, this petition is allowed, with the order dated the order dated 03.10.2019, granting interim bail to the petitioners, made absolute on the same terms and conditions.

However, it is made absolutely clear that the order being made absolute would not reflect the opinion of this Court as to the nature of the crime and as to who instigated the fight what which would naturally be matter of investigation and evidence led before the trial Court if it comes to that stage, with the complaint always at liberty to avail of their remedy in law, including against any improper investigation if so perceived by them.

The petition is disposed of accordingly.

(AMOL RATTAN SINGH)
JUDGE

29.11.2019
Meenu/Anjal

Whether reasoned/speaking: Yes
Whether reportable: No