

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

**102**

**Crl. Misc. No.M-54283 of 2019**

**Date of Decision:- 19.12.2019**

Manpreet Singh

....Petitioner

vs.

State of Punjab

....Respondent

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**BEFORE :- HON'BLE MR. JUSTICE SUDHIR MITTAL**

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Present:- Mr. Vipin Mahajan, Advocate,  
for the petitioner.

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**Sudhir Mittal, J. (Oral)**

The petitioner seeks anticipatory bail in FIR No.61 dated 19.9.2019 registered at Police Station Sekhwan, Police District Batala, District Gurdaspur, under Sections 452, 304, 148 and 149 IPC.

According to the FIR, the petitioner and his co-accused went to the *Dhani* of the complainant on a tractor and created nuisance outside. Then they trespassed into the house of the complainant and blows were exchanged between the parties. In the melee, the mother of the complainant got pushed because of which she fell down. Being an old lady, the fall proved fatal.

Learned counsel for the petitioner submits that according to the FIR, all the co-accused entered into the house of the complainant resulting in a fight. No specific attribution had been made to the petitioner. Subsequently, the wife of the complainant got her statement recorded under Section 161 Cr.P.C. and named the petitioner as the person who had pushed

the mother of the complainant. Even if the same be accepted as correct, the death was accidental and, thus, the petitioner deserves the concession of anticipatory bail.

Notice of motion.

Mr. Prabhjot Singh Walia, learned DAG, Punjab, accepts notice on behalf of the respondent-State. Two copies of the complete paper-book be supplied to him during the course of day. Mr. Karan Choudhary, Advocate, puts in appearance on behalf of the complainant and submits that the petitioner and his co-accused intentionally came to the *Dhani* of the complainant for the purpose of assaulting him and his family members. There is a dispute regarding land between the parties, on account of which the petitioner and his co-accused came with an intention of causing harm. The old mother of the complainant has died in the incident and thus, the petitioner does not deserve the concession of anticipatory bail.

From the submissions of the parties, it is clear that there is a dispute regarding land between the parties. Allegedly, the petitioner and his co-accused attacked the complainant and his family members resulting in the death of the mother of the complainant. *Prima facie*, it appears that the petitioner and his co-accused went to the *Dhani* of the complainant to intimidate him and his family members but there does not appear to be any intention to kill somebody as all the accused were unarmed.

In view of the above, I deem it appropriate to allow this petition. The petition is accordingly allowed and it is directed that the petitioner shall join investigation in the first instance on 26.12.2019 and thereafter as and when required by the Investigating Officer. This is however, subject to compliance with conditions enshrined under Section

438(2) Cr.P.C. In case, the petitioner does not join investigation or does not cooperate therewith or violates any of the conditions prescribed under Section 438(2) Cr.P.C., the State or the complainant would be at liberty to seek cancellation of the bail.

**December 19, 2019**  
**poonam**

**( SUDHIR MITTAL)**  
**JUDGE**

**Whether Speaking/Reasoned**

**Yes**

**Whether Reportable**

**No**