

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

203

**CRM-M-8466-2020 (O & M)
Date of decision: 20.05.2020**

Baldev and another

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Ravi Malik, Advocate
for the petitioners.

Mr. Kuldeep Tiwari, Additional A.G., Haryana

ARUN KUMAR TYAGI, J (ORAL)

CRM-10699-2020

Prayer in the application under Section 482 of the Cr.P.C. is for permission to place on record the true typed copies of Annexure P-4 to Annexure P-6 and for exemption from filing certified copies of the same.

For the reasons mentioned in the application, the same is allowed and the aforesaid documents are taken on record as Annexure P-4 to Annexure P-6.

Registry is directed to tag the same at appropriate place and paginate the paper book.

CRM-M-8466-2020

Prayer in the present 1st petition filed under Section 439 of the Code of Criminal Procedure is for grant of regular bail to the petitioner in case FIR No. 102 dated 17.05.2019 registered under

Section 379 and 506 of the Indian Penal Code, 1860 and Section 3 (1)(g) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 at Police Station Narwana Sadar, District Jind.

Complainant-Salinder Singh submitted written complaint to SHO, Police Station Narwana Sadar, District Jind alleging that he had taken land measuring 48 canals 1 marla on lease from Mewa Devi till 15.11.2019 @ Rs. 21,000/- per acre. On 23.04.2019 petitioner no. 1- Baldev asked Mewa Devi and her son Rajesh to give the above said land to him who refused in view of possession of the complainant over the land as lessee. The complainant submitted written complainant dated 23.04.2019 to SHO Police Station Narwana, Sessions Judge, Superintendent of Police and Deputy Commissioner Jind regarding threat of illegal harvesting of his crops by the accused from the above said land. Subsequently, the complainant came to know that about two days back the accused had illegally harvested the crops. Pursuant to registration of the above said FIR, the police investigated the case and on completion thereof charge-sheeted the petitioners along with their co-accused.

The petitioners being in custody since 30.01.2020 have filed the present petition for grant of bail which is opposed by the State.

I have heard learned Counsel for the petitioners and learned State Counsel and gone through the record.

Learned Counsel for the petitioners has submitted that the petitioners have been falsely implicated. The petitioners, being sons of brother of Ami Lal, who died issueless, were entitled to inherit his

estate alongwith sons and daughters of other brothers and sisters of Ami Lal in equal 1/9 share. The petitioners have already filed civil suit against Mewa Devi and others challenging mutation no. 2061 and 2684 sanctioned in favour of Mewa Devi. A false, concocted and frivolous FIR has been got registered against the petitioners after delay of about 20 days at the behest of Mewa Devi due to civil dispute pending between the petitioners and Mewa Devi. The petitioners are in possession of the land in dispute and Mewa Devi and her son did not cultivate the same and the question of giving of the said land by them on lease to the complainant did not arise. The trial is likely to take long time. No useful purpose will be served by detention of the petitioners in custody. Therefore, the petitioners may be ordered to be released on bail.

On the other hand, learned State Counsel has submitted that the petitioners illegally harvested the crops and subjected the complainant, a member of Scheduled Caste to atrocities and in view of the gravity of accusation the petitioners do not deserve grant of regular bail.

Keeping in view the facts and circumstances of the case particularly, nature of allegations made against the petitioners, pendency of the civil litigation and also the fact that trial is likely to take long time but without expressing any opinion on merits of the case, I am of the considered view that the petitioners deserve grant of regular bail. Therefore, the petition is allowed and the petitioners are ordered to be released on bail on furnishing of personal and surety bonds to the

satisfaction of the Trial Court/Duty Magistrate concerned.

20.05.2020
kavneet singh

(ARUN KUMAR TYAGI)
JUDGE

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No