

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM No. M-19874 OF 2020 (O&M)

Date of decision : July 22, 2020

Dhanjit Singh alias Dhanna and another

....Petitioners

versus

State of Punjab

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. JK Singla, Advocate, for the petitioners

Mr. SPS Tinna, Addl. AG Punjab for the State

Fateh Deep Singh, J. (Oral)

The matter has been taken up through Video-conferencing on account of outbreak of pandemic COVID-19

Petitioners accused Dhanjit Singh alias Dhanna and Baljit Singh have sought anticipatory bail under Section 438 Cr.P.C. in case FIR No. 137 dated 18.6.2020 under Sections 323, 341, 148, 149 IPC and under Sections 25, 27 of Arms Act, 1959, Police Station Bhikhi, District Mansa, got registered by complainant Jagdev Singh a close relative of petitioner no. 1.

The precise allegations are that the complainant and the accused side are having land dispute and inspite of repeated convening of Panchayats, the same could not be sorted out. The complainant alleges that the petitioners along with few unknown persons came to his house during the intervening night of June 15/16, 2020 armed with *gandasies* and *soties* and tried to break open their main gate and to ward them off he was forced to fire in the air. Subsequently, accused Jagsir Singh @ Laddi, Dhana Singh, Baljit Singh, Lovely along with other 15/20 persons came on motorcycles, cars etc. and raised lalkara to teach the complainant a lesson. During the melee the accused hurled brick bats on the complainant side and also fired from their country made pistol and when the complainant side retorted by firing in the air from his licensed weapon, all the accused ran away leading to the registration of the present FIR.

Learned counsel for the petitioner inter-alia contends that it is a no injury case and that the complainant is an influential person who in order to ensure that the petitioners are subjugated has lodged a false FIR followed by another FIR Annexure P/1 and that nothing is to be recovered from the petitioners and being counter-blast arising out of land dispute the petitioners are entitled to bail.

Learned State counsel has opposed bail on the grounds that the petitioners are instrumental in repeated assaults on the complainant side leading to the registration of two FIRs the present one and Annexure P/1 which is suggestive of the same and that custodial interrogation of the petitioners is essential for the recovery of illegal weapons.

Going through the submissions, the parties are close relatives and have a history of land dispute. It is a no injury case and there are oral averments of the parties firing at each in the air and exchange of brick bats between them. To the specific query of the Court nothing by way of empty cartridges is alleged to have been recovered from the place of occurrence puts a big question mark on the veracity of the allegations.

In view of the aforesaid, the present petition is allowed. In the event of arrest, the petitioners shall be released on interim bail to the satisfaction of arresting/investigating officer till submission of report under section 173 Cr.P.C. (challan). The petitioners shall, however, join the investigation as and when called for and shall also abide by the conditions specified under section 438 (2) Cr.P.C. Thereafter, on presentation of challan, the petitioner will be permitted to furnish regular bail bonds to the satisfaction of the trial

Court. Presently, the petitioners are directed to join investigation within 15 days of the receipt of the copy of order.

The present petition stands disposed of.

July 22, 2020
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(Fateh Deep Singh)
Judge

Whether speaking/reasoned ?
Whether Reportable ?

Yes/No
Yes/No