

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

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IN VIRTUAL COURT

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**CRM-M No. 20522 of 2020
Date of decision : 27.7.2020**

Jarnail Singh @ Jarnail Singh Fauji **.....Petitioner**

Vs.

State of Punjab **.....Respondent**

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. Tarun Sharma, Advocate, for the petitioner

Rajbir Sehrawat, J. (Oral)

The present petition has been filed by the petitioner under Section 438 Cr.P.C for grant of anticipatory bail in case FIR No. 117 dated 21.6.2020, registered under Sections 353, 186, 332, 323, 379B, 148 and 149 IPC, at Police Station Guru Harsahai, District Ferozepur.

It is contended by the counsel for the petitioner that the case against the petitioner is totally concocted. The petitioner is not connected with the crime at all. The petitioner is serving in Border Security Forces, although, unfortunately, on the said day, the petitioner happened to be in the village. Taking advantage of his presence in the village, the case has been fabricated against him. It is further submitted by the counsel that there is already a case pending between the family of the petitioner and the family of one Jagdish Lal, on the other side. In that case, which is filed by the family of the petitioner, the civil Court had already granted status quo order in favour of the family of the

petitioner. The above said Jagdish Lal was not ready even to abide by the said order. Not only this, there is no water course on the spot as per the revenue record. There is not even a temporary water course, sanctioned on the spot by any Irrigation Authority. The above said Jagdish Lal, who happens to be the husband of the Sarpanch of the village, forcibly tried to create a *khal* through the fields of the petitioner. When he failed, he brought in the police as well, because he happens to be closed to a high-up political person in the State. Still further, it is submitted that it is a case of version and cross version, in which one person on the side of the petitioner has also been caused injuries by the side of the said Jagdish Lal. To help out the husband of the Sarpanch, the police has fabricated the case, to involve the petitioner in the matter; so as to ensure undue benefit to the family of the said Jagdish Lal.

Notice of motion.

Mr. V.G. Jauhar, Senior DAG, Punjab, accepts notice on behalf of the State.

The counsel for the State, being instructed by ASI Darshan Lal, has submitted that the petitioner has done a heinous crime by obstructing the police officer when he had gone to investigate the complaint made by Jagdish Lal. Not only that, the mobile of the police officer was also snatched away by the accused. However, it is not disputed that there is no water course on the spot, either as per the revenue record or as sanctioned by any Irrigation Authorities. It is also not disputed that the present matter involves a version and a cross version.

In view of the above, the present petition is allowed. In the event

of arrest, the petitioner shall be released on bail subject to his furnishing personal bonds/surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

(RAJBIR SEHRAWAT)
JUDGE

27.7.2020
Ashwani

Speaking/Reasoned	:	Yes/No
Reportable	:	Yes/No