

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

CRM-M-30181-2020 (O&M)

Date of decision: October 16, 2020

Amninder Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. Raj Kapoor Malik, Advocate for the petitioner(s).

Mr. Sanjay Mittal, Addl. A.G., Haryana.

Mr. Rakesh Nagpal, Advocate for the complainant.

Harinder Singh Sidhu, J.

The case is taken up through video conferencing on account of COVID-19.

Prayer in the present petition is for grant of anticipatory bail in case FIR No.0140 dated 08.07.2020 registered under Sections 148,149, 323, 324 and 427 Indian Penal Code, 1860 (Sections 325 and 326 IPC added later on) at Police Station Cheeka District Kaithal.

The FIR was registered on the statement of Darbara Ram S/o Ramdhari stated that Baldev Singh sold 2 acres of land to Manjeet Kaur wife of Ajaib Singh and Pataso wife of Dalbir Singh vide registered sale deed. It is stated that Dalbir Singh S/o Gulab Singh asked to get girdwari of one acre of land in his favour for clearing their outstanding amount. It is further stated that on 08.07.2020 at around 03.30 pm, Gulab Singh S/o Badama Ram armed with gandasi, Pyara S/o Gulab armed with knife, Dalbir S/o Gulab armed with gandasi, Ajaib S/o Gulab armed with gandasi, Amninder (petitioner) S/o Darbara Ram armed with kirpan, Harsid S/o Ajaib Singh armed with gandasi, Manjeet Kaur wife of Ajaib Singh armed

with lathi, Paramjeet Kaur wife of Dalbir armed with lathi and Aman S/o Dalbir came on tractor and at that time the complainant and his brother Baldev, his mother Charno Devi, his wife Manjeet Kaur and his father Ramdhari were sitting at tubewell and the accused entered into their field. On being stopped, Dalbir gave a gandasi blow on the left side of head of Baldev; Ajaib Singh and Gulab Singh gave on the back, hand and right leg; Pyara gave a takwa on the left arm of father of the complainant and Amninder (petitioner) and Harvinder gave gandasi blow on back, right hand and head, Manjeet Kaur and Paramjeet Kaur gave danda blows to the mother and wife of the complainant. On noise being made, the villagers gathered and the assailants fled from the spot along with their weapon.

Learned State counsel has placed on record the MLR of the father of the complainant, namely, Ramdhari. As per the MLR, following injuries have been suffered by him:-

1. "Incised wound 4cm*0.5cm Tissue deep with clear straight margins.

No H/O LOC. Adv CT Hea, Refer to Surgery Department GH Kaithal for further management.

2. Fracture of left forearm with bone pointy end coming out of skin proximal 1/3 of forearm, Splinting done Refer to GH Kaithal for Ortho Surgeon for further management."

Reply on behalf of learned State counsel has already been filed and relevant part of the same reads as under:-

"A telephonic message was received regarding incident in village Maingra, Tehsil Guhla, upon which Sub Inspector/ Investigating Officer along with ASI Karambir, EHC Jaspal visited in village Maingra and came to know that the injured

have gone to Guhla Hospital. The investigating officer along with police official went to civil hospital Guhla, where ward servant handed over a rukka along with copies of MLR. The investigating officer moved an application to medical officer regarding recording the statement of the injured and medical officer of Civil Hospital Guhla informed that the injured have referred to Kaithal Hospital. One of the witness Darbara Ram was present in the Hospital who recorded his statement to the investigating officer and said Darbara Ram after hearing, understanding and admitting his statement his correct thumb marked the same. After perusing the copies of MLR a case under Section 148, 149, 323, 324, 427 IPC was made out and ASI Karambir went to police station Cheeka for registration of FIR. Copy of MLR of injured Manjeet Kaur wife of Baldev is Annexure: R-2. Copy of MLR of Charno Devi wife of Ram Dhari is Annexure:R-3. Copy of MLR of Baldev son of Ram Dhari is Annexure:R-4 and copy of MLR of Ram Dhari son of Gurdayal is Annexure: R-5. The medical officer Guhla issued an amendment in MLR of Ram Dhari which is Annexure R-6.”

Heard learned counsel for the parties.

Keeping in view the nature of the allegations made against the petitioner, I don't find it a fit case to extend the benefit of anticipatory bail to the petitioner.

Petition dismissed.

(HARINDER SINGH SIDHU)
JUDGE

October 16, 2020

ps-I/sangeeta

Whether Speaking / Reasoned	Yes
Whether Reportable	Yes / No