

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

CRM-M-9267-2021

Date of Decision : 22.11.2021

Dilbag Singh and others

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present : Mr. S.S. Dinarpur, Advocate
for the Petitioner.

Mr. Kanwar Sanjiv Kumar, AAG, Haryana
for the Respondent/State.

SUDIP AHLUWALIA, J. (ORAL)

The instant Petition has been filed under Section 438 of the Code of Criminal Procedure seeking Anticipatory Bail in case FIR No.419, dated 31.07.2020, registered under Sections 147, 149, 323, 447, 506 & 511 of the Indian Penal Code, 1860 at Police Station Pehowa, District Kurukshetra, Haryana.

2. Reply filed on behalf of the State.

3. The entire text of the FIR lodged against the Petitioners, who are three among several persons named by the Complainant is reproduced as follows : -

“Sir, it is submitted that I Mahender Singh son of Jetha Singh, am resident of village Siyana Khurd and Manjit Kaur wife of Gurcharan Singh is owner of half share of land with me. On 11.06.2020 all the aforesaid persons came in their vehicles bearing registration no.HR41-K-2364, HR01-AA-3557, Safari PB65AX-0414, HR-41F-5544 and tried to take possession of our 6 acres of land forcibly. Earlier also I was involved in a rape case.

Iqbal Singh and Jasbir Singh were armed with pistols and now we are apprehending danger all the time from them. And the land of Manjit Kaur is situated near the village. Therefore, it is requested to you that legal action may please be taken against all of them and stay of possession is in our favour."

4. On the basis of the aforesaid allegations, the FIR was drawn up under Sections under Sections 147, 149, 323, 447, 506 & 511 of the Indian Penal Code.
5. As already noted by the Co-ordinate Bench in the earlier order passed on 26.02.2021 all the offences in question are bailable accepting the one under Section 506 of the IPC. *Per se* there is no allegation anywhere in the FIR of any overt threat on the part of any of the accused persons of causing death to the Complainant or anyone related to him. At any rate the pistols/firearms as mentioned in the FIR were also been carried by co-accused Iqbal Singh and Jasbir Singh, who are not the Petitioners here.
6. For the aforesaid reasons, the present Petitioners would appear to be entitled to the concession of Anticipatory Bail considering the nature of allegations made against them in the FIR. As such, in the event of arrest, the Petitioners shall be released on bail subject to their furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. However, they 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.
7. Disposed off.

November 22, 2021

Dpr

**(SUDIP AHLUWALIA)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No