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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.21674 of 2021 (O&M)

Date of decision: 03.06.2021

Balbir Singh

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Harkesh Manuja, Advocate
and Mr. H.S. Johal, Advocate for the petitioner.

Mr. Gurmeet Singh, AAG, Haryana.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.288 dated 14.04.2021, for offence punishable under Sections 148, 149, 323, 324, 326, 511, 506 of the Indian Penal Code, 1860 (in short 'IPC') registered at Police Station Sadar Karnal, District Karnal.

Counsel for the petitioner has submitted that the FIR was registered on the statement of one Karnail Singh with the allegations that he along with his brothers are doing agricultural work and owned some agricultural land in the village. The land of the complainant along with his 03 brothers was joint and his nephew Major Singh wanted to sell the land. On this, the complainant asked him to first get the land partitioned but he sold the land to one Manjeet Kaur. Thereafter, Manjeet Kaur, her husband Balbir Singh (petitioner herein) and sons Soni and Azad came to their fields and started claiming that they have

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purchased the land and started staking claim over the possession on the land as well as claiming share in the tubewell. Later on, when the complainant came to know that the petitioner along with many other persons have come to their fields and started cultivating the land with the tractor, the complainant along with his nephew Virender and Puran Singh reached the fields where they saw that Soni @ Jagdeep, who is the son of the petitioner was sowing the fields. When the complainant raised an objection, Manjeet Kaur started abusing him and Soni inflicted a gandasi blow on his head and when he tried to save himself, it hit him on his finger. In the meantime, Manjeet Kaur also inflicted gandasi blow on the hand of the complainant and the petitioner inflicted a danda blow on the complainant. Similarly, all other accused persons gave beatings to the complainant.

Counsel for the petitioner has also argued that the petitioner has purchased the land and was in possession of the same whereas it is the complainant, who is obstructing them in the cultivation of the land. It is further submitted that as per the MLR of 03 victims, i.e. Karnail Singh, Puran Singh and Virender, they have suffered multiple injuries and as such, Section 326 IPC was added.

Counsel for the State has, however, submitted that a danda was recovered from the petitioner.

In reply, counsel for the petitioner has argued that Section 326 IPC injury is not attributed to the petitioner and in the 03 other cases as noticed in the order of the Additional Sessions Judge, Karnal, the petitioner stands acquitted as they are old cases.

Counsel for the State has not disputed the factual position

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but opposed the prayer for bail.

Without commenting anything on merits of the case, considering the fact that the petitioner is in custody since 05.05.2021; the petitioner stands acquitted in other cases; the custodial interrogation of the petitioner is not required and the conclusion of the trial will take some time due to COVID-19 situation, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

03.06.2021

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No