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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(Through video conferencing)

CRM-M No.27165 of 2021
Date of Decision: 07.10.2021

BALKAR SINGH

.....Petitioner

Vs

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Naveen Siwach, Advocate
for the petitioner.

Mr. Anant Kataria, D.A.G., Haryana.

RAJ MOHAN SINGH, J. (Oral)

Petitioner seeks grant of anticipatory bail under Section 438 Cr.P.C. in case bearing FIR No.126 dated 14.06.2021 registered under Sections 323, 324, 326, 506, 34 IPC at Police Station Ismailabad, District Kurukshetra.

On 15.07.2021, following order was passed by this Court:-

"The case has been taken up for hearing through video-conferencing.

Learned counsel for the petitioner contends that initially FIR was registered for the offences under Sections 323, 324, 506, 34 IPC. Offence under Section 346 IPC was

added later on. The dispute started in respect of common transformer from where the petitioner side used to get electricity. On 14.06.2021, Balbir Singh (father of the complainant) disconnected the electricity of the side of the petitioner and also sat in the passage thereby blocking the passage of the petitioner. The petitioner while coming back towards the village on his tractor found Balbir Singh and his son Rohtash on the way and they attacked upon the petitioner with lathi and iron rod. Balbir Singh gave a lathi blow. They also inflicted blows upon the tractor of the petitioner. Son of the petitioner namely Vipin attracted to the spot, then Rohtash opened attacked upon Vipin and gave an iron rod blow on his head. Balbir Singh gave a lathi blow on the left side of hip joint of Vipin. Vipin became unconscious and fell down at the spot. On seeing Vipin's condition, the complainant and his father ran away from the spot. Despite cognizable offence against the complainant party, the police did not lodge any report against Balbir Singh and his son Rohtash, rather lodged the present FIR which is totally silent with regard to specific attribution qua the petitioner. Petitioner is a senior citizen aged 70 years.

Notice of motion for 07.10.2021.

The State is directed to file status report in the present case.

Till the next date of hearing, as one time arrangement, petitioner is directed to appear before the SHO/Investigating Officer to join investigation on 23.07.2021 at 11.00 A.M. and in the event of his is arrest, he shall be enlarged on interim bail, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of Arresting Officer. However, petitioner shall abide by the conditions as envisaged under Section 438(2)

Cr.P.C.

Nothing expressed hereinabove shall be construed to be an opinion on the merits of the case. The case shall be decided on merits on the adjourned date.”

At the time of passing of the aforesaid order, the Court noticed that the dispute originated from a controversy arising out of common transformer. Petitioner was waylaid by the complainant party and even blows were inflicted upon his tractor. Son of the petitioner namely Vipin attracted to the spot and then Rohtash opened attack upon Vipin and gave an iron rod blow on his head. Balbir Singh gave a lathi blow on the left side of hip joint of Vipin. Vipin became unconscious. Complainant and his father ran away from the spot on seeing the condition of Vipin. The Police did not lodge any report against Balbir Singh and Rohtash.

As per FIR, no specific role has been attributed qua the petitioner. Petitioner is aged about 70 years. The reply filed by way of affidavit of Gurmail Singh, HPS, DSP, Pehowa, Kurukshetra is silent about the weapon as to how the said weapon came in the hands of the petitioner and the same is required to be recovered from the petitioner.

For the reasons recorded in the interim order dated 15.07.2021 and also in view of the fact that the petitioner has admittedly joined the investigation, I deem it appropriate to

confirm the said order. Ordered Accordingly. However, the petitioner shall keep on joining the investigation as and when required to do so and he shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

Petition stands disposed of.

October 07, 2021

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(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No