

In virtual Court

CRM-M-27629-2021

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-27629-2021 (O&M)
Date of decision: 01.10.2021

Soni @ Jagdeep Singh

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Harkesh Manuja, Advocate
for the petitioner.

Mr. Chetan Sharma, AAG, Haryana.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.288 dated 14.04.2021 under Sections 148, 149, 323, 324, 326, 511, 506 IPC, registered at Police Station Sadar Karnal.

Learned counsel for the petitioner relies upon the order dated 03.06.2021 passed in CRM-M-21674-2021, vide which co-accused of the petitioner, namely Balbir Singh, was granted the concession of regular bail. The operative part of the order reads as under: -

“...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 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...”

Learned counsel for the petitioner submits that as per allegations in

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the FIR, the petitioner tried to inflict gandasi blow on head of the complainant, however, he raised his hand and the same hit on the little finger of his hand. It is further submitted that the petitioner is in custody for the last 04 months and 04 days and as per the custody certificate dated 30.09.2021, he is not involved in any other case and the offences are triable by the Magistrate.

Learned State counsel has filed the custody certificate dated 30.09.2021 in the Court today and has not disputed the factual position.

Without commenting anything on merits of the case and considering the aforesaid submissions made by learned counsel for the parties, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate, concerned.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

01.10.2021
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No