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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.28414 of 2021 (O&M)

Date of decision: 22.07.2021

Nirmal Singh

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

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

Mr. Deepak Grewal, DAG, Haryana.

ARVIND SINGH SANGWAN J. (Oral)

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

Counsel for the petitioner has relied upon the order dated 31.05.2021 vide which the co-accused Manjeet Kaur, has been granted the concession of anticipatory bail, by observing as under:-

“Learned counsel for the petitioner inter alia submits that the location where the alleged fight took place is in the land purchased by the petitioner and her family members. The land was purchased vide sale deed dated 26.10.2020 and the incident took place on 13.04.2021. In April 2021, possession was to be handed over by the complainant party as the lease in their favour expired after harvesting the wheat crop. This is evident from the FIR got registered by the petitioner and her family members against the complainant party, a copy of which is annexed as Annexure P-6. Thus, being a case of version and cross

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version, it can not be said that the petitioner party was the aggressor. The husband of the petitioner has also suffered injuries. The petitioner undertakes to cooperate with the investigation and got the weapon of assault (if any) recovered.”

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.

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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 petitioner has further argued that as per the allegations in the FIR, the petitioner, who is a distant relative of the accused party and is a resident of Uttar Pradesh, was present at the spot, however, no specific injury is attributed to him, though, he is shown to be carrying a stick. It is further submitted that it will be a matter of trial, whether the petitioner has a meeting of mind with the co-accused, who have caused injuries to the victim. It is also submitted that it is a case of version and cross-version as on the accused side, some persons have also suffered injuries invoking Section 323 IPC.

Counsel for the State has however, could not dispute the factual position that one co-accused Balbir Singh, has been granted the concession of regular bail by this Court vide order dated 03.06.2021 passed in CRM-M No.21674 of 2021.

After hearing the counsel for the parties, considering the facts and circumstances of the case and the nature of allegations against the petitioner; the co-accused of the petitioner is already on bail, this petition is allowed and In the meantime, the petitioner is directed to join investigation within a period of 10 days and he shall be released on interim bail subject to the following conditions:-

- 1. He shall make himself available for interrogation by a*

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police officer as and when required;

2. *He shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer; and*
3. *He shall not leave India without previous permission of the Court.*

**(ARVIND SINGH SANGWAN)
JUDGE**

22.07.2021
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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No