

In the High Court of Punjab and Haryana at Chandigarh

206

CRM-M-38726-2021 (O & M)
Date of Decision: November 22, 2021

SANJEEV KUMAR AND OTHERS

....PETITIONERS

VERSUS

STATE OF HARYANA

....RESPONDENT

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr.Akshay Kumar Jindal, Advocate for the petitioners.

Mr. Kirpal Singh Thakur, AAG, Haryana.

Mr. Lajpat Rai Sharma, Advocate for the complainant.

ANUPINDER SINGH GREWAL, J (ORAL)

Case taken up through video conferencing.

The petitioners are seeking anticipatory bail in FIR No. 223 dated 07.06.2021, under Sections 143, 146, 147, 148, 323, 447 and 506 of the Indian Penal Code, 1860, besides Sections 3(1)(g), 3(1)(s) and 3(2)(va) of the Scheduled Castes and Scheduled Castes (Prevention of Atrocities) Act, 1989 ('SC&ST Act' - for short), registered at Police Station Chandimandir, District Panchkula.

Learned counsel for the petitioners contends that it is alleged that the petitioners along with 15-20 persons had tried to dispossess the complainant from the 'shamlat' land. He had been allotted 100 sq. yards land out of Khasra No. 472/2 min, but the demarcation carried out by the revenue authorities indicates that he had encroached upon 433 sq. yards of land. He also contends that the allegations do not constitute commission of any offence punishable under the SC&ST Act and the application of Section 3(1)(g) of the

SC&ST Act would be doubtful, as the complainant does not have any right over the encroached land which belongs to the 'shamlat'. He further contends that the incident has been video recorded which indicates that the petitioners did not utter any derogatory word.

This Court, by the order dated 12.10.2021, had directed the petitioner to appear before the Investigating Officer and join the investigation and in the event of his arrest, he was ordered to be released on ad-interim bail to the satisfaction of the Investigating/Arresting Officer, subject to the conditions envisaged under Section 438(2) Cr.P.C.

Learned State counsel states that the petitioners have joined investigation.

Learned counsel for the complainant, however, contends that the act and conduct of the petitioners is such that it does not entitle them to the concession of anticipatory bail inasmuch as the petitioners were trying to take possession of the land and on the refusal of the complainant to do so, they had manhandled the complainant. He also contends that they have also not disclosed the name of the other accused as stated in the reply filed by the Assistant Commissioner of Police, Panchkula.

Heard.

The petitioners and other accused were alleged to have tried to forcibly dispossess the complainant. They also alleged to have uttered derogatory words. In the reply filed by the ACP, Panchkula, it is stated that in the course of investigation, it was found that the complainant is in illegal possession of the shamlat land of village Moginand. It is also stated that in the course of investigation, the complainant had stated that video clip of the incident is available on their mobile phones, which was produced in a pendrive.

The pendrive was verified through laptop. Total of 09 video clips was found in the pendrive and after viewing and hearing the same, it was found that there was an altercation but no utterance of any casteist remark by any person towards the complainant or his family members could be heard.

In view of the above and the petitioners having joined investigation, the order dated 12.10.2021 granting interim bail to the petitioners is made absolute.

However, the petitioners shall abide by the conditions stipulated under Section 438(2) Cr.P.C. They shall also join investigation as and when called upon to do so.

The petition stands disposed of.

(ANUPINDER SINGH GREWAL)
JUDGE

November 22, 2021
A.Kaundal

Whether speaking/ reasoned	:	Yes/No
Whether Reportable	:	Yes/No