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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of Decision: 27.10.2021

1. CRM-M-37026-2020

Major Singh

.. Petitioner

Vs.

State of Punjab and others

..Respondents

AND

2. CRM-M-38450-2020

Manjinder Singh

.. Petitioner

Vs.

State of Punjab and another

..Respondents

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Onkar Singh, Advocate for
Mr. S.S. Aviraj, Advocate for the petitioners.

Mr. Ramdeep Partap Singh, DAG, Punjab.

Mr. Raj Kumar Narang, Advocate
for the complainant.

...

Manoj Bajaj, J.

Petitioners have filed these separate petitions under Section 438 Cr.P.C for grant of anticipatory bail in case FIR No.171 dated 15.10.2020 registered under Sections 323, 324, 452, 148 and 149 IPC (Section 326 IPC added later on) at Police Station Sadar, Gurdaspur, District Gurdaspur, who apprehend their arrest at the hands of police, in the above FIR.

The allegations contained in the FIR and noticed by Id. Addl. Sessions Judge, Gurdaspur in his order dated 05.11.2020 while rejecting the anticipatory bail of the petitioners, read as under:

“Present FIR was got registered by Harjit Kaur with the allegations that she has three children and her husband Amarjit Singh has died about four years ago. After the death of her husband, she sold her house and started residing in the house of Bakshish Singh of village Sidhwan. For

constructing her new house, she purchased a plot from Partap Singh and agreement of sale was executed in this regard on 27/04/2018. Thereafter, she constructed foundation of house. In the meantime, her neighbour Manjinder Singh got executed agreement of sale dated 16/07/2020 of said plot in favour of Suba Singh from Rani Kaur, sister of Partap Singh. Manjinder Singh started digging the earth in front of foundation of her house and tried to block the passage. On 14/10/2020, at about 7.30 PM, she was standing at the main gate of house of Partap Singh and she asked Manjinder Singh that she is a poor lady and requested him not to close the passage leading to her plot and an altercation between them took place. Thereafter, Manjinder Singh brought Datar from his house and his uncle Hardip Singh armed with Datar, Major Singh armed with Kirpan and Jasbir Singh armed with baseball bat also came there. It was about 7.45 PM and bulb of courtyard of house of Partap Singh was on, Manjinder Singh raised Lalkara to teach a lesson to her for taking possession of land and gave Datar blow to her, she raised her right arm to save herself and the blow of Datar hit on her right wrist. In order to save herself, she went into the courtyard of house of Partap Singh, where Daljit Singh son of Partap Singh was standing. Then all the above said accused alongwith their respective weapons came behind her and Hardip Singh gave Datar blow on Daljit Singh which hit on left side of his forehead, Major Singh gave Kirpan blow which hit on right leg of Daljit Singh, Jasbir Singh gave baseball bat blow which hit on back of Daljit Singh. Thereafter, two unknown persons threw brick bats in their house. She and Daljit Singh raised alarm 'Maar Ditta, Maar Ditta', on which all the accused ran away from the spot alongwith their respective weapons."

Learned counsel for the petitioners has argued that initially, the

FIR was registered only for the offences punishable under Sections 323, 324, 452, 148 and 149 IPC and subsequently, the offence punishable under Section 326 IPC was added. He submits that the complainant has falsely implicated the petitioners, as there is a dispute between the parties regarding boundary walls, as their plots are situated adjacent to each other. He submits that vide order dated 05.01.2021, both the petitioners were granted the concession of interim pre arrest bail and pursuant to that they have joined the investigation. He submits that the petitioners be released on pre arrest bail, as their custodial interrogation is not necessary.

dispute this fact that the petitioners have joined the investigation, however, learned counsel for the complainant has opposed the prayer and argued that the offences are grave. According to him, both were armed with sharp edged weapon and they had caused injuries upon Harjit Kaur and Daljeet Singh s/o Partap Singh. He submits that Daljeet Singh suffered injuries on his forehead and right leg and on their exhortation, other accomplices had also participated in their crime and gave beatings to complainant and others. According to him, the petitioners do not deserve the concession of pre arrest bail.

At this stage, learned counsel for the petitioners has argued that there is a delay of one day in lodging the FIR, as the occurrence took place on 14.10.2020, whereas the FIR was lodged on the next day. However, it is not disputed that Suba Singh (uncle of Manjinder Singh) has entered into an agreement to purchase property from Rani Kaur (sister of Partap Singh) and according to the learned counsel, complainant Harjit Kaur was trying to take illegal possession of the said plot. In this regard, he has invited the attention of the Court to Annexure P-3. He further submits that Manjinder Singh and his mother hold prominent positions in Shiromani Akali Dal, whereas the petitioners are supporters of Congress Party, therefore, they have falsely implicated them and the petitioners deserve the concession of anticipatory bail.

After hearing the learned counsel for the parties, this Court is *prima facie* of the opinion that the parties are already having a dispute between them regarding their respective plots and concededly, it is the case of the petitioners that complainant was trying to take illegal possession of the plot belonging to Suba Singh and in this regard, a complaint was given

to police on 14.10.2020 i.e. the date of occurrence. As per prosecution, both the petitioners were armed with sharp edged weapons and participated in the alleged occurrence and caused injuries upon the injured persons. The status report filed by way of affidavit of Sukhpal Singh, PPS, Deputy Superintendent of Police, City, District Gurdaspur reveals that the respective MLRs of injured dated 14.10.2020 shows that the injury No.1 suffered by Harjit Kaur and injury No.2 suffered by Daljeet Singh were declared grievous in nature by the Board of Doctors and vide DDR No.22 dated 23.10.2020, the offence punishable under Section 326 IPC was added. The argument of the learned counsel that the MLRs have been procured by the complainant only to falsely implicate the petitioners, does not seem to be probable.

Resultantly, considering the gravity of the offence, but without expressing any opinion on the merits of this case, this Court does not find it to be a fit case for granting extraordinary concession of pre arrest bail to the petitioners.

Dismissed.

27.10.2021
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No