

In virtual Court

CRM-M-5663-2022

-1-

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-5663-2022 (O&M)
Date of decision: 10.02.2022

Harjot Singh and others

... Petitioners

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Sumeet Goel, Sr. Advocate with
Mr. Samir Rathaur, Advocate
for the petitioners.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of anticipatory bail in FIR No.8 dated 07.01.2022 under Sections 148, 149, 323, 325, 326, 427, 452, 506 IPC, registered at Police Station Saha, District Ambala.

Learned senior counsel for the petitioners relies upon the order dated 28.01.2022 passed in CRM-M-3384-2022, vide which co-accused Pritpal Singh has been granted the concession of anticipatory bail, by passing the following order: -

“...Learned senior counsel for the petitioner has argued that the present FIR is, in fact, a counter-blast to the FIR No.224 dated

17.10.2021 registered under Sections 148, 149, 302, 320 IPC at Police Station Saha, District Ambala, wherein the complainant, Mamraj is the prime accused of causing a murderous assault on one Mandeep Singh. It is further submitted that the complainant and others have already been arrested and challan qua them stands presented before the trial Court. It is also submitted that as per the allegations in the present FIR, it is stated that at around 08:30 PM, when the complainant along with his brother Ram Parkash Jagpal and Rajinder were talking at the residence of Rajinder and in the meantime, a combine harvesting machine came and it collided with the electricity wires, due to which the electricity wires broke down and the electricity of theirs (complainant's) house went off and there was a verbal spat. In the meantime, the petitioner Pritpal Singh (Sarpanch) reached at the spot and he had a scuffle with the people of Gadariya Community. The complainant stated that the petitioner has called people from outside, who have given injuries to them.

Learned senior counsel for the petitioner has further submitted that a perusal of the FIR would reflect that the complainant has not levelled any allegations against the petitioner of causing any injury.

Counsel for the State assisted by counsel for the complainant as well as counsel for the victim has, however,

submitted that the petitioner and other persons have caused injuries and even abused the complainant side in the name of their caste.

Counsel for the complainant has referred to a complaint dated 30.10.2021 addressed to higher authorities to submit that the allegations against the petitioner are levelled with regard to the incident, which was occurred at 11:00 PM, however, the version in this complaint seems to be an improvised version as in the FIR, nothing is stated that any incident had taken place at 11:00 PM and it is stated in the FIR that the fight took place at 08:00 PM, when one person namely Mandeep Singh was murdered and in the cross-version, the complainant side suffered injuries and the present FIR has been registered after a long delay on 07.01.2022.

After hearing the counsel for the parties, considering the facts and circumstances, it is a case of version and cross-version and it is yet to be ascertained by the trial Court as to who is the aggressor party and also looking into the allegations against the petitioner, I find it to be a fit case to grant the concession of the anticipatory bail to the petitioner...”

Learned senior counsel submits that when anticipatory bail of aforesaid co-accused Pritpal Singh was pending before the Court of Sessions, a reply was filed by the police, in which no such incident, which has occurred at

11.00 pm, was referred to. It is further submitted that when anticipatory bail of present petitioners was pending before the Court of Sessions, the police filed reply, in which they have changed the version by stating that on 28.01.2022, statements of Mamraj and Ram Prakash were recorded under Section 161 Cr.P.C., in which they have levelled allegations against the petitioners and have given the details about causing of injuries with their respective weapons. It is thus submitted that only in these statements, second incident of 11.00 pm was introduced for the first time by the complainant side and subsequent roles were assigned to the petitioners.

Notice of motion.

On asking of the Court, Mr. Deepak Grewal, DAG, Haryana accepts notice on behalf of the respondent-State while Mr. Ashwani Nagara, Advocate has appeared on behalf of the complainant.

Learned State counsel, assisted by learned counsel for the complainant, has not disputed the factual position that for the first time, on 28.01.2022, statements of two victims were recorded under Section 161 Cr.P.C., defining roles of the petitioners and an incident, which occurred at 11.00 pm, though the same is not reflected either in the FIR or in the first reply filed by the police, when the anticipatory bail of co-accused Pritpal Singh was pending before the Court of Sessions.

After hearing learned counsel for the parties and considering the facts and circumstances of the case, it is apparent that incident of 16.10.2021, when an FIR was registered against the complainant party with regard to

In virtual Court

CRM-M-5663-2022

-5-

murder of Mandeep Singh and the accused were arrested and thereafter, present FIR has been registered on 07.01.2022 and statement under Section 161 Cr.P.C. is recorded much thereafter on 28.01.2022, introducing the second incident, which allegedly occurred at 11.00 pm and further describing roles of the petitioners regarding causing of injuries to the victims and also in view of the fact that aforesaid co-accused Pritpal Singh has already been granted the concession of anticipatory bail, this petition is allowed and the petitioners are granted the concession of anticipatory bail subject to the conditions envisaged under Section 438 (2) Cr.P.C.

10.02.2022

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**[ARVIND SINGH SANGWAN]
JUDGE**

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No