

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

206(2)

CRM-M-24938 of 2020 (O&M)

Date of decision:14.02.2022

Jogindero Bai and another

... Petitioners

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Raman Goklaney, Advocate
for the petitioners.

Mr. Hittan Nehra, Addl.A.G., Punjab.

Mr. Manu Loona, Advocate
for the complainant.

SUVIR SEHGAL, J. (Oral)

Heard through video conferencing.

CRM No.28961 of 2020

Prayer in the application is for amendment of the head note and
prayer clause in the petition.

For the reasons given in the application, it is allowed.

Offence under Section 326 IPC is ordered to be added in the
head note and prayer clause of the petition.

Amended Head Note and Amended Prayer Clause are taken on
record.

CRM-M-24938 of 2020 (O&M)

Instant petition has been filed under Section 438 Cr.P.C seeking grant of anticipatory bail to the petitioners in FIR No.264 dated 02.08.2020 registered under Sections 354, 324, 323, 148, 149 of Indian Penal Code, 1860 (Section 326 IPC was added later on) at Police Station Sadar Fazilka, District Fazilka (Annexure P-1).

As per the case of the prosecution, FIR (Annexure P-1) has been registered on the statement of Swarana Rani on the allegation that on 30.07.2020 at about 09.30 a.m., when a bore mechanic came to their fields, Chhinder Singh, Jaspal Singh, Tirpal Singh and Lachhman Singh started arguing with him and threatening him. The parents of the complainant went and tried to reason out with the said accused. Even the complainant and her husband went to stop them. Jaspal Singh gave kirpan blow on the complainant, but in order to save her, her father raised his hand and kirpan hit his right hand. Lachhman Singh hit a brick on the head of her father, Tirpal Singh gave a blow with iron rod on her husband, which hit on the right side of his head. The complainant and her mother tried to save them, then Jaspal Singh and Chhinder Singh scuffled with them and tore the clothes of the complainant. Kirpal Singh entered into scuffle with her mother and tore her clothes. Lachhman Singh and Jaspal Singh gave brick blow to the husband of the complainant, which hit his left hand and Lachhman Singh hit her with a brick. Jogindero Bai pulled the complainant with her hair. Manjit Kaur @ Malkeet Kaur gave a stick blow on the complainant. Allegations have also been levelled against Jaspal Singh and

Chhinder Singh of outraging the modesty of the complainant. When people started gathering on the spot, accused fled away.

Counsel for the petitioners submits that there is a dispute between the parties regarding possession of agricultural land and civil litigation is pending. He submits that all the family members of the petitioners have been named as accused, even though they were not present at the occurrence. He submits that the petitioners have joined the investigation, pursuant to interim order passed by this Court. He submits that the parties are related to each other and civil litigation is pending and there is a delay of 48 hours in lodging the FIR.

Upon instructions from ASI Mafinder Singh, State counsel has affirmed that the petitioners have joined the investigation. He submits that the final report is ready and will be presented soon. He has instructions to state that they are no longer required for custodial interrogation.

Mr. Manu Loona, Advocate who has appeared on behalf of the complainant has opposed the petition and submitted that on an earlier occasion also, FIR was registered against the petitioners involving same land. He submits that after the interim protection was granted by this Court, crop on the disputed agricultural field has been set on fire, though he could not categorically state whether the petitioners were involved in the incident.

Counsel for the parties have been heard.

While granting interim protection to the petitioners, this Court passed the following order on 28.08.2020:-

Learned counsel contends that the petitioners are related to the complainant, who have been falsely implicated and civil litigation between the complainant and the husband of petitioner No.1 is also pending.

Notice of motion for 27.11.2020.

Meanwhile, the petitioners shall join the investigation and would come present as and when called for and in the event of arrest, the petitioners shall be admitted to interim bail on their furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioners shall also abide by the conditions as specified under Section 438 (2) Cr.P.C.”

In view of the statement of the State counsel, but without commenting on the merits of the case, the present petition is allowed and the order dated 28.08.2020 granting interim bail to the petitioners is made absolute, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

February 14, 2022
savita

(SUVIR SEHGAL)
JUDGE

<i>Whether Speaking/Reasoned</i>	<i>Yes</i>
<i>Whether Reportable</i>	<i>Yes/No</i>