

**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

CRM-M-27769-2022 (O&M)

Date of decision: 06.07.2022

Prahlad Singh and another

...Petitioners

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Dinesh Arora, Advocate
for the petitioners.

Mr. Deepak Kumar Grewal, DAG, Haryana.

Mr. Sumit Sangwan, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition, filed under Section 438 Cr.P.C., is for grant of anticipatory bail to the petitioners in FIR No. 131 dated 15.04.2022, registered under Sections 323, 325, 506, 34 of the IPC and Section 307 IPC (added later on) at Police Station Sadar Mahendergarh, District Mahendergarh.

Learned counsel for the petitioners, at the very outset, submits that main accused Kiran Pal, who is real brother of the present petitioners and on whose conduct, Section 307 IPC was invoked, has surrendered before the police authorities.

Learned counsel further submits that it was a sudden fight between the two sets of brothers regarding possession over a joint land and both the sides have suffered injuries.

Learned counsel for the petitioners has referred to Annexures

P-2 to P-6 to submit that even petitioner No. 2 has suffered grievous injuries on his head and one of the injuries resulted into fracture.

Learned counsel further submits that though the petitioners have also lodged a complaint to register the cross version, however, till date, no cross version has been registered.

Learned State counsel, on instructions from the Investigating Officer, assisted by learned counsel for the complainant, submits that the petitioners have tried to take forcible possession of the land in dispute with the help of a tractor and have not only destroyed the crop but have also tried to run over the complainant side with the tractor, driven by main accused Kiran Pal, which resulted into free fight between the parties and the complainant side, including some ladies, have suffered multiple injuries, however, it could not be disputed that even the petitioners have suffered injuries.

Learned counsel for the complainant submits that in a suit, filed by said Kiran Pal, no injunction has been granted by the civil Court.

In reply, learned counsel for the petitioners submits that though it is a case of version and cross version, however, still the petitioners are ready to deposit an amount of Rs. 50,000/- with the Illaqua Magistrate, subject to final outcome of the case.

After hearing learned counsel for the parties, without making any comment on the merits of the case, considering the aforesaid facts and circumstances, the present petition is allowed. The petitioners are granted the concession of anticipatory bail, subject to the conditions envisaged under Section 438(2) Cr.P.C.

However, it will be open for the Investigating Officer to call

upon the petitioner to join investigation, if so required, by issuing them a written notice in this regard.

The petitioners will deposit an amount of Rs. 50,000/- with the Illaqua Magistrate within a period of 15 days from today, which will be kept in an FDR, subject to final outcome of the case.

06.07.2022
Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No