

S.No.203

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

CRM-M-43196 of 2021 (O&M)

Date of Decision:13.01.2022

Puran Chand and another

.....Petitioners

Vs.

State of Haryana

.....Respondent

CORAM:- HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Ms. Divya Godara, Advocate for the petitioners.

Mr. Praveen Bhadu, AAG, Haryana.

(Through Video Conferencing)

VIKAS BAHL, J.

This is first petition filed under Section 438 Cr.P.C for granting pre-arrest bail to the petitioners in the event of their arrest in FIR No.60 dated 25.02.2021 registered under Sections 323, 324, 506, 34 IPC at Police Station Sadar Sirsa.

On 13.10.2021, a co-ordinate Bench of this Court was pleased to pass the following order:-

“This is a petition filed under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No. 60, dated 25.2.2021 registered under Sections 323, 324, 506, 34 IPC at Police Station Sadar, Sirsa.

FIR was registered on the statement of Wazir Chand who stated that he alongwith his brother Krishan Kumar purchased 2 kanals land in the year 1996. His brother had sold 1 kanal land out of land so purchased to one Phula Devi.

Phula Devi further sold the land to Madan Lal (petitioner No.

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2). In the sale deed, Phula Devi showed 4 marla passage alongside the 1 kanal plot. As per the complainant, the said passage does not exist. However, by indicating this passage in the sale deed, the share of complainant has been reduced. The complainant filed a civil suit at Sirsa. Status quo order was passed in his favour on 15.2.2021.

On 21.2.2021, at about 6.00 pm, Puran Chand (petitioner No. 1) came towards the plot on Swaraj tractor and started removing bricks lying there. The son of complainant tried to stop Puran Chand. On hearing noise, the complainant and his wife also came to spot. Meanwhile, Madan Lal (petitioner No. 2) also reached there. Madan Lal gave a brick to Puran Chand and asked him to keep moving the tractor. He further asked Puran Chand that if anybody try to stop the tractor then he should hurl the brick at them. It is alleged that Puran Chand ran over the tractor over the son of complainant causing injuries on his leg. Meanwhile, son, daughter and wife of Puran Chand also came there. Madan Lal took barchha from the son of Puran Chand and hit the complainant on the finger of right hand. Puran Chand, Madan Lal and others gave leg and fist blows to complainant party. When the people from village gathered, accused fled away.

Learned counsel for petitioners has argued that allegations in FIR are totally false. Infact, FIR has been

registered as a counter blast to FIR No. 55 dated 23.2.2021

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registered by complainant party against accused party. The complainant party had caused injuries to accused including injury on the head of petitioner No. 2. Present FIR was got registered on 25.2.2021 two days thereafter. She further states that as per the opinion of the doctor, the complainant has suffered 3 injuries. All of them are simple. The injuries suffered by Vikas Kumar are also simple. She has further referred to photographs (Annexure P-2) and states that as per photographs, petitioner and other accused in present case are totally unarmed whereas the complainant party is armed with gandasi. She states that the petitioner would cooperate with the investigation and get the tractor recovered.

Notice of motion.

Mr. Surender Singh, AAG Haryana accepts notice on behalf of State.

Adjourned to 12.1.2022.

In the meanwhile, in the event of arrest of petitioners, they shall be released on interim anticipatory bail to the satisfaction of Arresting/Investigating Officer. They will join investigation as and when called for and cooperate in same. They will abide by conditions of Section 438 (2) Cr.P.C.”

*Sd/-
(HARINDER SINGH SIDHU)
JUDGE”*

Learned counsel for the petitioners and the State Counsel on

instructions from ASI Ashok Kumar, submit that the petitioners have joined

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the investigation on 03.01.2022 and are not further required for investigation.

Keeping in view the facts as noticed in the order dated 13.10.2021 and also the fact that the petitioners have joined the investigation and are not further required for investigation, the present petition is allowed and the interim order dated 13.10.2021 is made absolute.

However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

January 13, 2022	(VIKAS BAHL)
renu	JUDGE
Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No