

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

242

**CRM-M-46554 of 2022 (O&M)
Date of Decision: 15.11.2022**

Gurmail Gir

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH

Present: Mr. Mayur Karkra, Advocate
for the petitioner.

Mr. Gurpreet Singh Shergill, AAG, Punjab.

Mr. Ashok Giri, Advocate
for the complainant.

GURBIR SINGH, J (ORAL)

Prayer in the present petition is for grant of anticipatory bail to the petitioner in case F.I.R. No.290 dated 14.12.2021 under Sections 323, 341, 506, 148 and 149 IPC (Section 379-B IPC added later on), registered at Police Station Sadar, District Patiala.

Learned counsel for the petitioner submits that each and every family member of the petitioner is falsely roped in. Although, the petitioner is named in the FIR but no role is attributed to the petitioner. No recovery is to be effected from the petitioner. The complainant himself is possessing shamlat land of the village which is kept for public purpose. Resolution to that effect was also passed on 18.07.2021 (Annexure P-4). The complainant is levelling false allegations against the petitioner and his family members. The petitioner and others have been allotted plot measuring 2-2 marlas in Khasra No.177/178 which is shamlat land. Section 379-B of the IPC was later on added to make the case serious. Even provisions of Section 379-B IPC are not attracted at all.

Learned State counsel as well as learned counsel for the

complainant are opposing for grant of anticipatory bail.

After considering all the aspects, I am of the view that the case in hand is registered on the statement of Lakhvir Singh, wherein he stated that shamlat land comprising in Khasra No.177/178 of village were adjoining his land. 70-80 families have made illegal possession in said khasra numbers where they make cow dung cakes regarding which ADC(D) is already conducting the enquiry. On 14.12.2021 at 9.30 am when the complainant visited his fields and took the photographs of the cow dung cakes, then Sarpanch Ms. Jamni Devi and others including the petitioner with an intention to kill him opened an attack. When he fell on the ground, Gurdeep Gir snatched his mobile phone. Hakam Gir and Gurdeep Gir took out the wooden balla and attacked him but when he raised his left hand, the wooden balla struck fingers of his left hand. Then Gurdeep Gir hit the wooden balla in his head and others also gave him injuries. He raised alarm and many people gathered and the accused ran away from the spot. No specific injury is attributed to the petitioner. No specific weapon is shown to be carried out by the petitioner. The occurrence took place instantaneously. Since no recovery is to be effected from the petitioner, hence, custodial interrogation of the petitioner is not required.

Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal bond/surety bond to the satisfaction of Investigating Officer/Arresting Officer. The petitioner shall join the investigation as and when called upon to do so by the Investigating Agency. The petitioner shall abide by the conditions as laid down under Section 438(2) Cr.P.C. in letter and spirit.

(GURBIR SINGH)
JUDGE

15.11.2022
D.Bansal

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No