

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

1. CRM-M No.509 of 2024

Bagga Singh		... Petitioner
	Versus	
State of Punjab		... Respondent

2. CRM-M No.1672 of 2024

Roopa Singh		... Petitioner
	Versus	
State of Punjab		... Respondent

3. CRM-M No.3181 of 2024

Gurcharan Singh @ Charna Singh @ Jharna Singh		... Petitioner
	Versus	
State of Punjab		... Respondent

4. CRM-M No.3971 of 2024

Ajit Singh @ Jita Singh		... Petitioner
	Versus	
State of Punjab		... Respondent

5. CRM-M No.4793 of 2024

Dalip Singh @ Daleep Singh		... Petitioner
	Versus	
State of Punjab		... Respondent

Date of decision: 20th February, 2024

CORAM: HON’BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Akhilesh Vyas, Advocate for the petitioners.

Mr. Navdeep Singh, Dy. Advocate General, Punjab
for the respondent/State.

MANJARI NEHRU KAUL, J.

1. The petitioners in all the petitions detailed hereinabove are seeking the concession of bail under Section 438 Cr.P.C. in case FIR No.0055 dated 31.07.2023 under Sections 452, 324, 323, 427, 447, 148, 149 & 325 of the IPC registered at Police Station Bhindi Saidan, District Amritsar Rural. Since all the aforementioned five petitions have arisen out of the same FIR, they are being taken up together for disposal by way of this common order. For brevity, the facts are being taken from CRM-M No.509 of 2024.

2. Following the submissions made by the learned counsel for the petitioners of they being falsely implicated in the present case and their assertion that no injuries had been attributed to them during the alleged occurrence, along with the fact that the place of occurrence did not even belong to the complainant, this Court vide order dated 08.01.2024 had issued notice of motion to the State. While issuing notice of motion, this Court had also directed that no coercive steps be taken against the petitioners till the next date of hearing.

3. Learned State counsel, however, has vehemently opposed the prayer and submissions made by the counsel opposite; the State has disputed the submissions made by the learned counsel for the petitioners on the previous date of hearing by asserting that a perusal of the allegations leveled in the FIR, leaves no manner of doubt that it was a

premeditated attack carried out by all the accused, including the petitioners. It has been further submitted that all the accused, including the petitioners, arrived at the place of occurrence, i.e. the fields of the complainant party, armed with lethal weapons like Datars and Sticks etc. while riding on their tractors; on arriving at the spot, they drove their tractor into the fields of the complainant party, where at that relevant time the complainant party was working on their fields. When the complainant party objected, the accused indulged in abusive language and started chasing the complainant party, who managed to run to their safety and entered their house which was in close vicinity. Once inside the house, the complainant party bolted the door, however, the accused including the petitioners forcibly entered the house of the complainant party and not only inflicted injuries on Tara Singh, Hazara Singh and Satnam Singh but also vandalized their house by causing extensive damage, both inside and outside the house, including the gate of the house with one of the tractors. Learned State counsel has thus, vehemently argued that all the accused including the petitioners had actively participated in the occurrence, without any provocation, although no serious and specific injuries had been attributed to them. However, it was a matter of record that the complainant party had sustained injuries inviting the mischief of Section 325 of the IPC. It has also been contended that the mode and manner, in which the petitioners carried out the crime in question, did not entitle them to the extraordinary concession of anticipatory bail.

4. I have heard learned counsel for the parties and perused the relevant material on record.

5. Before proceeding further, it would be apposite to reproduce the FIR in question, which has been annexed as Annexure P-1:

“Statement of Buta Singh son of Tara Singh resident of Bhindi Saidan, aged about 24 years, mobile number 98146-56011, stated that I am a resident of the said address and working as a laborer. Today on 30.07.2023, I, my father Tara Singh, uncle Hazara Singh, Satnam Singh sons of Singara Singh were present at our Dera, at around 03:30 noon, four tractors came towards our house; in which Swaraj tractor which was driven by Dalip Singh son of Gopal Singh resident of Bhindi Saidan and one Arjan tractor driven by Rupa Singh son of Gurmeet Singh, a tractor farm track driven by Jharna Singh son of Gopal Singh, resident of Bhindi Saidan and one Preet tractor driven by Baga Singh son of Ajit Singh, resident of Bhindi Saidan and on these tractors Jeeta Singh son of Gopal Singh, Billa Singh son of Sinda Singh, Lakha Singh son of Kashmir Singh, Bagicha Singh son of Charan Singh, Nissan Singh son of Jarnail Singh, Mohan Singh son of Pritam Singh, Sukhpreet Singh son of Bitra Singh, Gopi son of Baldev Singh and Basant Singh son of Pritam Singh, who were sitting with datar and sticks and as soon as they came near our land about 1.5 killa near our house started plowing. When my father Tara Singh son of Singara Singh, Hazara Singh, Satnam Singh sons of Singara Singh went to

stop them, these people started shouting and abusing to them. My father Tara Singh and Hazara Singh, Satnam Singh ran towards the house in fear, then above said Rupa Singh and Dalip Singh started chasing them with their tractors and Tara Singh just entered his house and closed the outside door then Billa Singh, Lakha Singh, Gopi Singh, Jeeta Singh, Bagicha Singh, Nissan Singh, Mohan Singh, Sukhpreet Singh, Basant Singh, all the people who have datar in their hands, pushed our door, open it and entered inside our house. After entering the house they started hitting the above said Tara Singh, Hajara Singh, Satnam Singh with their datar and the rest of the unnamed persons vandalized 6/7 motorcycles, cupboards, boxes, LCD, and other belongings in the house with their sticks. Dilip Singh hit the gate with his tractor and caused damage, due to which our dhara also fell down and they ran away with their tractors from the spot while abusing loudly. Then my aunt's son Rajbir Singh, son of Amarjit Singh, resident of Bhindi Saidan, arranged a vehicle for my father Tara Singh, uncle Hajara Singh and Satnam Singh, and they were got admitted to the Government Hospital Lopoke in an injured condition. Dilip Singh and others have plowed the land with a tractor with the intention of taking possession of our land and entered our house and, injured my father and uncle by beating them. I am the claimant, action should be taken against them. For giving this intimation I was coming to you, but you have met. Until now, the discussion regarding our compromise was going on but the same could not

finalized. Abovesaid L.T.I Buta Singh verification Sd/- Ranjit Singh ASI Police Station Bhindi Saidan Dated 31.07.2023

Police Proceedings:- Today I ASI along with HC Lakha Singh 1183, HC Sarwan Singh 86, PHG Jaswant Singh 3042 in a government vehicle, in connection with the patrolling was present at Bhindi Saidan, that Buta Singh, son of Tara Singh, resident of Bhindi Saidan present before me and wrote his statement, his statement was written and readover and explained to him, who accepted his statement to be correct and put his left thumb impression under the statement, which was attested by me. From the above, it was found that offences punishable under Section 452, 324, 323, 427, 447, 148, 149 IPC have been committed. The statement is being sent through PHG Jaswant Singh 3042 to the Police Station to register the case. I ASI along with the co-officials was present at the spot along with complainant. Today at bus stand Bhindi Saidan at 06:15 PM Sd/-Ranjit Singh ASI, Police Station Bhindi Saidan on 31.07.2023. Today at Police Station :- At this time the above said statement is received, the case is registered for the said offences and the original statement along with copy of FIR through PHG Jaswant Singh 3042 is being sent to ASI. Intimation was given to the control room and officers through wireless. Completion Report No. 33 Time 07:30 PM Dated 31.07.2023.”

6. In the light of the categoric allegations leveled against the petitioners, coupled with the mode and manner in which the alleged

occurrence took place, which prima facie comes across as a premeditated attack, this Court does not deem it fit to extend the extraordinary concession of anticipatory bail to the petitioners.

7. All the instant petitions stand dismissed.

8. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

February 20, 2024

rps

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