



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

CRA-S No.2352 of 2024

Date of decision: 27th September, 2024

Joginder Singh

... Appellant

Versus

State of Haryana & another

... Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Dr. Anmol Rattan Sidhu, Senior Advocate with
Mr. Gursher S. Dhillon, Advocate for the appellant.

Mr. Yuvraj Shandilya, Asst. Advocate General, Haryana
for the respondent/State.

Mr. Amit Chaudhary & Mr. Jagdeep S. Rana, Advocates
for the complainant.

MANJARI NEHRU KAUL, J. (ORAL)

1. The appellant is seeking quashing of order dated 26.06.2024 passed by learned Additional Sessions Judge, Fatehabad vide which his application for the concession of anticipatory bail in case FIR No.158 dated 20.04.2024 under Sections 147, 149, 295, 323, 427, 452, 506, 379 of the IPC and Section 3 and 3(1)(R), (S) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (Section 379 IPC and Section 3(1)(R), (S) of the SCST Act added later on) registered at Police Station City Fatehabad, District Fatehabad had been declined.

2. Learned senior counsel submits that the appellant has been in custody since 15.5.2024; investigation in the present case is complete as challan stands presented. Learned senior counsel, while drawing the

attention of this Court to the allegations levelled in the FIR, submits that although the allegations were levelled inviting the mischief of Section 295A of the IPC, however, it is a matter of record that those offences had been deleted during investigation. It has still further been submitted that a concocted version has been brought forth that the appellant, after trespassing into the house of the complainant, had assaulted the complainant as a result of which she had sustained injuries on her person. Learned senior counsel submits that even though the allegations are false, assuming for the sake of arguments that the complainant had indeed been physically assaulted, though not admitted, the injuries sustained on the person of the complainant were opined to be simple in nature. It has been further submitted that alongwith the appellant, some other persons too had been named in the FIR in question, and attributed almost similar roles, however, they had since been extended the concession of bail by this Court. In support learned senior counsel has drawn the attention of this Court to Annexure A-6 and A-7.

3. Per contra, learned State counsel assisted by learned counsel for the complainant have vehemently opposed the prayer and submissions made by the counsel opposite, by reiterating the allegations levelled in the FIR, which are reproduced herein below:

"Statement of Surender Kaur alias Rani daughter of Balwant Singh wife of Krishan Lal, aged 60 years, resident of Shakti Nagar, Fatehabad, at present Dhani behind Aryan School, Bye-pass Hisar Sirsa Road, Fatehabad. Mobile No. 75050-53759. It is stated that I am resident of the aforesaid address. I have one son and two daughters. We are five sister-brothers. I am eldest and younger to me

my sister Manjit Kaur, younger to her is my brother Sukhchain Singh, who has been expired, younger to him is brother Pardeep and youngest of all is my sister Sita. The land measuring 9 Acres 18 Marlas was in the name of my father at Hisar Sirsa Bypass, Fatehabad, which was got transferred by my sister Manjit Kaur in her name in the year 2015 on the pretext of taking the same on lease from my father. When my father came to know about transferring the land, my father had filed a case against my sister Manjit in court. My sister Manjit Kaur is living in relationship with Dalbir Singh, resident of Azad Nagar, Hisar. We are from Kaisikh Biradari and Dalbir Singh is from Jat Biradari, who generally had been giving threat and now he after alluring my sister Manjit Kaur, has sold our 9 Acres 18 Marlas land to Singh Bishnoi son of Krishan Lal, resident of Badopal and Sunder son of Tulsi Dass son of Ram Partap, resident of Badopal. We all five sisters are having right in the aforesaid land in equal share. From the very initiation we have been continuing in possession of this land and for last about 1½ years I have been cultivating this land and lives here in the Dhani itself. My father has expired in the year 2019. Yesterday on dated 19.04.2024 at about 5.00 PM. I was doing Path of Gurugranth Sahib in our Dhani. When I was sitting in front of Guru Granth Sahib, during that Sarpanch Joginder Singh in his black coloured Scorpio car alongwith his four friends came in our Dhani and I came out of the room of Gurugranth Sahib. As soon as Joginder came, he started abusing me and asked to vacate the land. I said that case is pending in court, whatever court would decide, that will be acceptable. At that time Makhan son of Pyara Singh, resident of Peerawali, District Hisar was present in my Dhani, who is my relative. One companion of Sarpanch

Jogender Singh was preparing a video Sarpanch stated that let I see you to serve the Guru Granth Sahib and while saying this, while giving signal towards our Guru Granth Sahib, said that put this Guru Granth Sahib in the well and pulled Gurugranth Sahib with his hand towards outside, then I and Makhan Singh tried to stop Joginder Singh, then two boys came with Joginder, one of whom was having iron rod in his hand and one was having Danda in his hand. The boy having rod inflicted the same on the right hand knee of Makhan Singh on upper side and the boy who was having Danda in his hand, inflicted the same on my back and all of them gave fist and slaps to me and Makhan and hurled caste related words to me. The Sarpanch Joginder was repeatedly saying that Raisikho, vacate the field within one hour, otherwise all of you will loose your life and Joginder and his accomplices had broken our cameras and on raising noise, on seeing the nearby neighbors collecting there, Sarpanch Joginder alongwith his accomplices and with their weapons fled away in their Scorpio from there. In Ambulance I and Makhan Singh were admitted in Government Hospital, Fatehabad. On 36 account of severe injuries, Doctor Sahab referred me and Makhan Singh to MAMC Agroha. My family members after arranging for conveyance got me and Makhan Singh admitted in MAMC Agroha. Today in the morning Makhan Singh after giving treatment, was discharged, who is with me to take care of me and my treatment is going on. Sarpanch Joginder Singh and his 4 accomplices, after beating us and uttering caste related abuses and by breaking our cameras and by tampering with Guru Granth Sahib, have committed a crime. A strictest legal action may be taken against all the aforesaid persons. I have got my statement recorded in the presence of my relative Makhan Singh son of Pyara Singh,

*resident of Peerawali. District Hisar. I have understood my statement after reading over the same, which is correct. SD
Surender Kaur”*

4. It has been submitted that the appellant along with co-accused trespassed into the house of the complainant and thereafter, physically assaulted her as well as her brother, and also tore off her clothes.

5. On a pointed query put to the learned State counsel as to what was the nature of injuries sustained by the complainant, he, on instructions, has not disputed that the injuries attributed to the appellant on the person of the complainant were opined to be simple in nature. However, learned State counsel and learned counsel for the complainant have brought to the notice of this Court the previous criminal antecedents of the appellant, which stand duly incorporated in the body of the appeal at para No.15. Learned State counsel, on further instructions, has however, not disputed that investigation in the present case is complete as challan stands presented. It has been further submitted that charges are likely to be framed on the next date of hearing fixed before the trial Court, and as many as 16 witnesses have been cited by the prosecution.

6. Learned senior counsel for the appellant has controverted the submissions made by the learned State counsel as well as learned counsel for the complainant with respect to the previous criminal antecedents of the appellant. He submits that no doubt the appellant had earlier been involved in some criminal cases, however, those cases

related to the years 2005, 2007 and 2010, in which he had either been acquitted, and in some cases though convicted, the appeal is pending before this Court. Learned senior counsel has submitted that as recently as in the year 2020, the appellant was booked in one other case, however, it is a matter of record that he had since been acquitted in the said case.

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

8. In the facts and circumstances as enumerated hereinabove, keeping in view the nature of injuries attributed coupled with the challan having been presented, this Court deems it fit to extend the concession of bail to the appellant. The appeal as such is allowed and the appellant is admitted to bail to the satisfaction of the trial Court/Duty Magistrate. 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.

9. Needless to add here, in case the appellant misuses the concession of bail, the State would be at liberty to approach this Court for cancellation of bail in the instant case.

(MANJARI NEHRU KAUL)
JUDGE

September 27, 2024

rps

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