



**In The High Court for the States of Punjab and Haryana
At Chandigarh**

(I) CRM-M-39907-2024 (O&M)
Date of Decision:- 28.08.2024

Sunil Kumar and others ... Petitioners

Versus

State of Haryana ... Respondent

(II) CRM-M-39910-2024 (O&M)

Jagdish Kumar ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Nikhil Mittal, Advocate with
Mr. Dinesh Sharma, Advocate, for the petitioners.

Mr. Vishal Kashyap, DAG, Haryana,
assisted by HC Ashok.

FIR NO.	DATE	POLICE STATION	OFFENCES
351	21.6.2024	City Jagadhri	148, 149, 323, 324, 427, 435, 436, 506, 34 IPC (Sections 201 and 326 IPC added later on)

GURVINDER SINGH GILL, J. (Oral)

1. This order shall dispose of the above mentioned two petitions wherein petitioners Sunil Kumar, Rajat, Bhushan Kumar, Dharamvir



and Jagdish Kumar, seek grant of regular bail in respect of aforementioned FIR.

2. The FIR in question was lodged at the instance of Rakesh Kumar.

The translated gist of said FIR is reproduced hereinunder:

“It is submitted that I, Rakesh Kumar son of Harsh Pal is permanent resident of H.No.499, Gobindpuri, Yamuna Nagar, Jagadhri. Today on 21.06.2024, I alongwith JCB operator Mange Ram, Ajay Kumar, Rajesh Kumar, Vishal and Giriwar went on the said land to construct the compound/boundary wall on the same. When I started the digging of the foundations with JCB, several persons of Village Hundewala armed with *lathies*, *dandas* and stones attacked. One of the villager namely Girdhari broke the glass pane of our JCB with stone and Vicky son of Surender, Goldy son of Mahi Pal both residents of village Hundewala put the hut of chowkidar namely Prakash on fire and as a result of which Rs.35,000/- cash of Mango crop and electrical articles were burnt. In the above said incident, Jagdish, Chanda Ram snatched gold chain of 4 tolas of Ajay Kumar whereas Bhushan son of Mehar Chand, Rajat son of Surjit Kumar, Nandi son of Mahinder, Sunil son of Surjit Kaur, Sangita and Mahindro and 20/25 other persons armed with sword, *dandas* and stones attacked upon us, who can be identified through video. Mange Ram has sustained injuries on hand and mouth and Giriwar has sustained injuries on head and other also sustained injuries. With a great difficulty, we managed to escape and save ourselves. They threatened us to kill if we again came there, then we called on Dial 112. We also have video of above said incident.”

3. Learned counsel submits that the matter is in fact a civil dispute with respect to a *shamlat* land where statute of Dr. Bhimrao Ramji Ambedkar has been installed and wherein a temple i.e. Maa Shitla



Devi also exists. Learned counsel submits that the complainant does not have any absolute right in the said property.

4. Opposing the petitions, learned State counsel has submitted that it is a case where two persons have been injured and that while Giriwar had sustained one injury in the nature of lacerated wound on his head, another injured namely Mange Ram had sustained as many as 5 injuries including 4 incised wounds and that one of the injury on the finger has been opined to be a grievous injury. It has been submitted that when anticipatory bail petitions of co-accused were fixed before this Court and were decided vide order dated 25.07.2024, the State had filed an affidavit of DSP Rajesh Kumar wherein it was categorically deposed that as per demarcation report dated 5.6.2024 the statute of Dr. Bhimrao Ramji Ambedkar had been installed in *Khasra* No.91 which is in the ownership of the complainant.
5. This Court has considered the rival submissions addressed before this Court.
6. At this state the petitioner's learned counsel submitted that he has clear instructions from his clients to state that they will not interfere into possession of the complainant over the property in question and shall resort to civil remedies by way of filing appropriate civil suit in the civil Court, in case they have any grievance.
7. Having regard to the nature of allegations and also the fact that the petitioners have assured that they will not interfere into the possession of the complainant and will resort to civil remedies and while also bearing in mind that the petitioners have been behind bars



since the last about 2 months, further detention of the petitioners would not be justified. The petitions, as such, are accepted and the petitioners are ordered to be released on bail subject to their furnishing bail bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

8. A photocopy of this order be placed on the file of each connected case.

28.08.2024
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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No