



**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-46682-2024

Date of Decision:-29.10.2024

Lajpat @ Khanda.

.....Petitioner.

Vs.

State of Haryana.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Aditya Sanghi, Advocate for the Petitioner.

Mr. Ashok Chaudhary, Addl. AG Haryana.

JASJIT SINGH BEDI, J.(ORAL)

The Prayer in this petition under Section 483 BNSS-2023 is for the grant of regular bail in case FIR No.130 dated 18.04.2022 under Sections 148, 149, 186, 332, 353, 364, 506, 34, 307 IPC registered at Police Station Bawal, District Rewari, Haryana.

2. The present FIR came to be registered at the instance of the HC Vishnu Kumar and reads as under:-

“ To the SHO Police Station Sadar Bawal Rewari. Sir it is stated that I HC Vishnu Kumar NO. 13 RWR was posted investigating officer in Police Station Bawal. Today I am present in Police Station that MHC Staff informed me that Ex-Sarpanch Rattan Singh told over phone that in Village Shahpur Bachu Singh 8/0 Shrichand R/o Shahpur and his family members are picking up soil from the fields of Shahpur in an illegal manner. Upon this information me and SPO Manoj No. 9/RWR boarding Government Vehicle PCR-6 driver Rajesh No. 955/WR reached Ex-Sarpanch Rattan Singh Village Shahpur. Whereby Ex-



Sarpanch Rattan Singh submitted a written application against Bachu Singh S/o Shrichand R/o Shahpur and against his family members regarding illegal mining and submitted an application for stopping illegal mining at the spot and told that Bachu Singh and his family members are quarrelsome type of person. They can resort to altercation and assault upon you also. Therefore, HC Gulab Singh No. 307 Police Station Bawal was also called for help. Thereafter myself HC along with Staff reached at the spot at the fields of Bachu Singh above named where illegal mining was being carried out, at the same time at the spot Bachu Singh above named and his son Nitin and nephew of Bachu i.e. Lajpat Handa S/ Vijay Singh and along with them there were 3-4 other persons come to the spot. As soon as they come they started hurling abuses and started assaulting all three of us. And were saying that how you dare, status to come here we shall do illegal mining like that only whosoever has courage to stop us. Out of them Nitin S/o Bachu Singh and Lajpat alias Handa above named while beating HC Gulab Singh took him aside and Bachu Singh above named and his three accomplices I do not know their names and addresses were saying today we may kill all three of them and while saying to me that he shall be thrown far away somewhere and forcibly put me in white coloured Scorpio Vehicle bearing No. HB-51-BD-8976 which was already parked there by Bachu Singh and three of his accomplices forcibly took me to the tubewell in the fields while beating, that Bachu Singh who was sitting in the vehicle was having Iron Rod who was saying that with this Rod his head shall be broken and shall throw him in a Well. Then they alight me from the vehicle and beaten me up kicks and punches, in the meanwhile Bachu Singh received a phone call of someone upon his phone that police force is coming in large numbers, leave him. Thereafter Bachu Singh and his accomplices while putting me in swift vehicle brought me in the village and alight me by pushing me and about to flee then the Police present at the spot tried to nab Bachu Singh and his nephew then accomplice of Bachu Singh fled from the spot and make Bachu Singh flee from the spot, thereafter me and my fellows were brought at CHC Bawal for treatment. Legal action may be initiated against the accused persons. Application is submitted for

kind perusal. SD/- VISHNU HC PS BAWAL DT 17.04.22."



3. The Counsel for the petitioner contends that no specific injury has been attributed to the petitioner. A similarly situated co-accused namely Bachu Singh had been granted the concession of bail by the Trial Court vide order Annexure P-4. On competition of the investigation Section 307 IPC had been deleted and the report under Section 173(2) Cr.PC had been submitted under Sections 148, 149, 186, 332, 353, 364, 506 IPC. As the petitioner was in custody since 23.05.2024 but none of the 19 prosecution witnesses had been examined so far, the trial of the present case was not likely to be concluded anytime soon and therefore, he was entitled to the concession of bail.

5. The learned State counsel has filed Status Report by way of affidavit dated 25.10.2024 of Mr. Surender Sheoran, HPS., DSP Bawal, District Rewari in the court today, which is taken on record. While referring to the said status report he contends that the petitioner and his co-accused beat up three police officials namely Vishnu, Gulab Singh and Manoj Kumar. The nature of the allegations levelled against the petitioner did not entitle him to the concession as prayed for. He however concedes that the petitioner was in custody since 23.05.2024, none of the 19 Pws had been examined so far, the co-accused Bachu Singh had been granted the concession of bail and that the report under Section 173(2) Cr.PC had been submitted under Sections 148, 149, 186, 332, 353, 364, 506 IPC.

5. I have heard counsel for the parties.

6. The veracity of the prosecution case against the petitioner and his co-accused shall be adjudicated upon during the course of the Trial. The petitioner is stated to be in custody since 23.05.2024 and none of the 19 prosecution witnesses had been examined so far. Therefore, the Trial of the



present case is not likely to be concluded anytime soon. In this situation the further incarceration of the petitioner is not required.

7. Thus without commenting on the merits of the case, the present petitions are allowed and the petitioner-**Lajpat @ Khanda** son of Sh. Vijay Singh is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

8. The petitioner petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.1,00,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from trial without sufficient cause.

9. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

October 29, 2024
Vinay

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