



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-47501-2024
DECIDED ON: 23.09.2024

SHAKTI SINGH AND ANOTHER
.....PETITIONERS

VERSUS

STATE OF HARYANA
.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Ankur Lal, Advocate
for the petitioners.

Mr. B.S. Virk, Sr. DAG, Haryana.

SANDEEP MOUDGIL, J (ORAL)

1. Relief sought

The jurisdiction of this Court has been invoked under Section 482 of BNSS, 2023 for grant of anticipatory bail to the petitioners in FIR No.397, dated 30.11.2023, under Sections 147, 148, 149, 323, 325, 427, 506 IPC (offence under Section 307 IPC added later on), registered at Police Station Kasola (Rewari).

2. Prosecution story setup in the present case as per the version in the FIR as under:-

“Complaint letter against assault, vandalism of vehicles. Sir, it is requested that I am Rakesh Kumar S/o Dayanand R/o Kumbhawas Hall, BMG Society, Rewari. In Dawana village, 17 Kanal 14 the Marla land has been purchased jointly with Rakesh S/o Bodh Raj R/o Rewari and from the day of purchase, we are in possession of the

purchased land as share owners. Along with our said land, it seems to be the land in the possession of Dawana resident Jashrath etc., who want to illegally occupy our said land, due to which, from the point of view of security, to avoid any dispute, we have decided to fence our said land on 26.11.2023. For this, by putting a tarpaulin in a tractor and a J.C.B, he had gone with the machine in Fortuner vehicle number HR-36AN-8081 and along with me in Swift car, Aman S/o Surendra and Kamal S/o Jagram R/o Badrana had taken labor with them, which we were doing on the spot on the land under our control only to limit, we were closing the wire till our part. when suddenly there were Indrajit, Narayan, Lala, Birsingh, Bhupendra, Ajay, Vijay, Bhim, Bajrang, Shivam, Himmat, Shakti came with Agricultural fork, axe, pistol and country-made pistol etc. in their hands they took the women of their house Manbai W/o Malkhan, Manju W/o Rajbir, Rishal W/o Ranjeet, Beena W/o Babulal, Umesh W/o Birsingh, Usha Devi W/o Bhupendra, Sunita Devi W/o Bhagirath, Rajesh Bai W/o Inderjeet and Mamta W/o Hari Singh who had sticks, sickles and they came on the spot and attacked us and they have a red coloured Mahindra tractor, with the intention of crushing our workers and my friends with the tractor, but when they could not crush them, Himmat and Shakti took hold of the pistols in their hands and they fired at us with the intention of killing and Bhupendra gave serious injuries to Kamal S/o Jagram R/o Badhrana in his hands, legs and head with the ax he held in his hand and Bir Singh gave serious injuries to Aman S/o Surendra with the ax he held in his hand R/o Badharana• was seriously injured on the head and also punched on his hands and les, both of them are fighting for their life and death from Birendra Hospital, Rewari

and all of them by forming a gang, beat all of us and pelted. yes on our carts, tractors and JCB's mentioned above. The sai reople also picked up the fencing made by us and the wire poles kept there and took them to their home, due to which a large number of tress-passers stopped and gathered there and protested. The said accused took away our belongings and fencing from there. They uprooted them and took them away, otherwise they would have created more terror and beaten them. Sir, the accused has beaten us unnecessarily and has caused a loss of about Rs 5 lakh to us by breaking vehicles and taking away our belongings and has publicly threatened us that either we hand over this land to him otherwise he will not let us live and will also occupy land in any condition. Therefore, you are requested to take necessary legal action against the accused and provide security to our life and property. It will be so kind of you. Sd-Rakesh Applicant Rakesh S/o Shri Dayanand R/o Village Kumbhavas, B.M.G. Society, Rewari Mob. 9416441822."

3. **Contention**

On behalf of the petitioner

Learned counsel for the petitioners contends that the instant FIR has been registered as a counter-blast to FIR No.393 of 2023, which stands registered at the instance of Rajbir Singh son of Shanker Singh against the complainant party. He further contends that the case of the petitioners are on a better footing then that of the main accused Bhupinder, who has been granted the concession of anticipatory bail by the Hon'ble Apex Court vide order dated 13.08.2024 (Annexure P-5). It has been contended on behalf of

the petitioners that no injury has been attributed to them except carrying the fire arm.

On behalf of the State

Learned State Counsel appearing on advance notice, opposes the grant of anticipatory bail to the petitioners on the ground that the present petitioners along with other co-accused by forming an unlawful assembly had caused injuries to the complainant party and one injury was declared as dangerous to life. However, he could not controvert the fact that the main accused Bhupinder has been granted the concession of anticipatory bail by the Hon'ble Apex Court vide order dated 13.08.2024 (Annexure P-5).

4. **Analysis**

Be that as it may, considering the facts that no injury has been attributed to the petitioners; main accused Bhupinder has been granted the concession of anticipatory bail by the Hon'ble Apex Court vide order dated 13.08.2024 (Annexure P-5); the present FIR is a counter-blast to the FIR No.393 of 2023.

5. **Decision**

In the light of above, the petitioners are directed to be released on anticipatory bail subject to their joining investigation with the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to his satisfaction. The petitioners shall also abide by the terms and conditions as envisaged under Section 482(2) of BNSS, which are reproduced below:-

'When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including-

- (i) a condition that the person shall make himself available for interrogation by a police officer as and when required;
- (ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;
- (iii) a condition that the person shall not leave India without the previous permission of the Court;
- (iv) such other condition as may be imposed under sub-section (3) of section 480, as if the bail were granted under that section.'

However, it is made clear that in case the petitioners does not comply with the aforesaid direction of joining the investigation within a period of one week, the order passed by this Court today shall automatically stands cancelled.

In the aforesaid terms, the present petition stands allowed.

(SANDEEP MOUDGIL)
JUDGE

23.09.2024
Poonam Negi

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