



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-63705-2024
DECIDED ON: 20.12.2024

GYAN SINGH

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Ashwani Verma, Advocate
for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

1. Relief sought

The jurisdiction of this Court has been invoked under Section 482 BNSS, 2023 for grant of anticipatory bail to the petitioner in FIR No. 0457 dated 24.11.2024, under Sections 115, 117(2), 190, 191(3), 287, 324(5), 333, 351(3) of BNS, 2023 and Section 25 of Arms Act, 1959 registered at Police Station Chand hut, District Palwal.

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

“It is submitted that 1, Tahal Singh son of Shri Khajan Singh, age 68 years, am permanent resident of village Chandigarh, district Gautam Buddh Nagar (U.P.) and for the last one year I am living with my son Gurmeet in a two-storey house built on the agricultural farm of Jaiprakash son of Shri Balikram resident of village Bagpur Kalan, tehsil and district Palwal situated in Nangaliya, tehsil and district Palwal. I and my son

Gurmeet Singh take care of agriculture and farm. Our ancestral house is located at a distance of about 200 meters from the above agricultural farm. This agricultural farm has about four and quarter acres of agricultural land, which is surrounded by cemented boundary walls on all sides and has a gate. Against the above- mentioned persons, an FIR No. 00146 dated 01-04-2024 under section 148/149/323/326/506 IPC has been registered in Police Station Chandhut. Due to which the above-mentioned accused are having a grudge against us and the owner of the said agricultural farm- Jaiprakash. On the evening of 20-11-2024 at about 5.00 pm, my son Gurmeet Singh had gone from the farm house to our ancestral house for some important work and I had gone to buy tobacco from a shop near the agricultural farm and the gate of the farm house was left open. During this time, from behind us, all the above accused Sukhwinder son of Darshan Singh, Darshan Singh son of Sohan Singh, Manjit son of Darshan Singh, Gyan son of Darshan Singh, Biro Bai wife of Darshan Singh, Seema wife of Manjit Singh, Kulwinder Kaur wife of Sukhwinder and Karamjit Kaur wife of Gyan Singh, residents of village Nangaliya, Tehsil and District Palwal, conspired with each other, armed with weapons like stick, iron rod, revolver, sharp sword etc. in their hands, forcibly entered the farm house and up the stairs of the house and reached the first floor and broke the CCTV camera installed on the first floor. During this time my son Gurmeet Singh came back from our house to the farm and I also reached the farm house after taking tobacco. We saw that the accused, armed with weapons, had climbed to the first floor of the two-story house built in the farm house and broke the CCTV camera and were vandalizing more. When we stopped the accused from

doing so, the accused attacked us with the intention of killing me and my son Gurmeet Singh. Sukhwinder hit the iron rod on the right side of Gurmeet Singh's head, due to which Gurmeet Singh's head was ruptured and he was covered in blood. Kulwinder Kaur armed with stick hit the stick on the right shoulder of Gurmeet Singh. When I tried to save my son Gurmeet Singh, Darshan Singh armed with iron rod hit the iron rod on the right side of my head, due to which my head was ruptured and I fell down covered in blood. Manjeet hit the stick on my right shoulder. The rest of the accused, kicked and punched me and my son Gurmeet Singh. When we shouted for help, our family members came to the spot. Seeing them coming, Gyan Singh fired in the air with the revolver to create an atmosphere of fear and the accused fled away by waving their weapons threatening to kill us if they got another chance. I informed the owner of the Farm House Jaiprakash about this incident on phone and Jaiprakash informed the Baghpur Police Station about this fight, on which the police reached at the spot and after the arrival of the police, Jaiprakash also reached at the spot. The police said that first get the injured treated and medically examined. After this, Jaiprakash and Babu resident of Mohana put me and my son Gurmeet Singh in the car and took us to the General Hospital Palwal where the doctor Sahab, after medically examining our injuries, took our MLR and advised for our CT scan, on which our CT scans were done. In the CT scan, a fracture was found in the parietal bone of my son Gurmeet Singh's head. Due to serious injuries, my son Gurmeet Singh was referred to Safdarjung Hospital, New Delhi, but my family admitted Gurmeet Singh to Akod Hospital, Faridabad, where I was getting my son Gurmeet Singh treated. Till now I was busy getting my son treated, now I

have come to the Chowki with my and my son Gurmeet Singh's MLR and CT scan reports. Therefore, it is requested to you that a case should be registered against the above culprits and strict legal action should be taken and our life and property should be protected and we should be given justice.”

3. **Contention**

On behalf of the petitioner

Learned counsel for the petitioner contends that in fact the complainant and his son Gurmeet Singh came to the field of the present petitioner and gave beatings wherein the neighbours informed the police and it was on seeing the police party, the complainant and other persons fled away from the spot but thereafter the complainant and his son Gurmeet Singh with other 15 unknown persons attempted to enter the house of the petitioner forcefully who were armed with deadly weapons including fire arms.

He further submits that it is Gurmeet Singh (son of the complainant) who attacked his father Darshan Singh with a gun shot which hit him on the mid-thigh and thereafter was immediately taken to Civil Hospital Palwal and due to ballastic injury, he was referred to Vardhman Mahavir Medical College & Safdarjung Hospital, New Delhi while reference has been made to the discharge summary dated 24.11.2024 (Annexure P-2) issued by the Doctor.

He further asserts that the instant FIR is a counter-blast to the civil suits, for declaration and permanent injunction preferred by the petitioner and his family members against one Jai Parkash which is pending before the Civil Judge, Palwal pertaining to claim over ancestral Joint Hindu Family Property.

Notice of motion.

On behalf of the State

Mr. B.S. Virk, Sr. DAG, Haryana accepts notice on behalf of the respondent-State and opposes the grant of anticipatory bail to the petitioner on the ground that the petitioner was armed with revolver and fired in the air causing threat in the mind of complainant and on that account, his custodial interrogation is required for recovery of said weapon as well.

On behalf of the complainant

Mr. Rajesh Lamba, Advocate has put in appearance on behalf of the complainant and has filed Vakalatnama, which is taken on record. He submits that the petitioner is a habitual offender as he is involved in multiple cases of similar nature but could not deny the fact that gun shot was fired in the air by the petitioner and admittedly there is no injury caused by him to the complainant's side.

4. **Analysis**

Be that as it may, having regard to the above said submissions made on behalf of respective counsels for the parties and the fact that two civil suits have been initiated by the petitioner against one Jai Parkash who is dealing in sale and purchase of properties and has fraudulent got executed the sale deed dated 31.12.2019 in his favour knowing fully well that the father of the petitioner is suffering from multiple disabilities who has been medically declared 50% mentally retarded by Civil Surgeon, Faridabad and criminal complaint has also been registered by the petitioner in that regard against one Jai Parkash, the chances of retaliation and counter-blast cannot be ruled out. Though recovery of weapon has been sought to be effected by

the State before the Court, the same can be given effect in case the petitioner joins the investigation and fully cooperates.

At this stage, learned counsel for the petitioner undertakes that the petitioner will join the investigation within a period of seven days from today and also assures the Court that he will duly cooperate with the investigating agency and furnish all information and material as sought by the investigating officer at the time of joining the investigation itself.

5. **Decision**

In the light of above, the petitioner is directed to be released on anticipatory bail subject to his 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 petitioner 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 petitioner 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.

20.12.2024

Poonam Negi

(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No