



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

102

CRM-M-36743-2025 (O&M)

Date of decision: 24.03.2026

Sandeep

...Petitioner(s)

VERSUS

State of Haryana and another

...Respondent(s)

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present :- Mr. Ramesh Hooda, Advocate for the petitioner(s).

Ms. Chhavi Sharma, AAG Haryana and
P/Sub-Inspector Amit, Detective Staff Jind, District Jind.

Mr. Mohit Khatkar, Advocate for respondent No.2.

VINOD S. BHARDWAJ, J. (Oral)

1. Prayer in the present petition is for cancellation of anticipatory bail granted to respondent No.2 vide order dated 15.05.2025 passed by the Additional Sessions Judge, Jind, in case arising out of FIR No.127 dated 13.04.2025 registered under Sections 3(5), 303, 329(3) of the Bharatiya Nyaya Sanhita, 2023 at Police Station Sadar Jind, District Jind.

2. Learned counsel appearing on behalf of the petitioner contends that the father of the petitioner is owner in possession of land measuring 21 kanals 3 marlas situated in Village Khokhri, Tehsil and District Jind, as reflected in the Jamabandi for the year 2023-24. It is submitted that on 01.06.2024, the wife and son of the petitioner were present in the fields and were engaged in earth work for installation of a pipeline when they were assaulted by respondent No.2 alongwith other accused persons. It is further

contended that even though the injured were medico legally examined; however, no FIR was registered by the police. Consequently, the petitioner was constrained to institute a private complaint on 12.07.2024 before the Additional Chief Judicial Magistrate, Jind. The said complaint was thereafter forwarded to the Station House Officer for investigation and registration of FIR under Sections 173(4) and 175(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023, vide order dated 17.07.2024. Learned counsel submits that the accused persons thereafter attempted to forcibly harvest the standing paddy crop from the land in question. Upon resistance being offered by the parents of the petitioner, they were manhandled, inflicted with injuries, dragged into the fields and subjected to a brutal assault with an intention to cause their death.

3. It is contended that the police was informed and although the police reached the spot and halted the combine operations, the parents of the petitioner were merely directed to approach the police station for further action. It is further argued that prior to the occurrence, the petitioner had anticipated the mischief and had already submitted a representation to the Superintendent of Police, Jind seeking action against the accused persons. He further submits that a civil suit was also instituted and despite the existence of an injunction order granted by the competent Civil Court in favour of the petitioner, the accused persons opened attack and continued to pose a threat of violating the said injunction and forcibly harvesting the standing crops, thereby necessitating protection of the petitioner's rights and property. Learned counsel also submits that there is a history of inter se disputes between the parties and that, on an earlier occasion, the wheat crop

had been forcibly harvested and taken away by the accused persons. However, the police effected recovery only of a tractor-trolley and a combine from the spot and failed to recover the stolen crop. It is thus contended that the nature of the incident discloses graver offences than those reflected in the FIR. In the aforesaid backdrop, it is argued that despite the seriousness of the allegations and the high-handed arrogant conduct attributed to the accused, respondent No.2 has been granted the concession of anticipatory bail by the learned Additional Sessions Judge, Jind vide order dated 15.05.2025, which is impugned in the present proceedings.

4. Per contra, learned counsel appearing on behalf of respondent No.2 submits that the reliance placed by the petitioner upon the order passed by the Civil Court is wholly misconceived, in as much as respondent No.2 was not a party to the said civil proceedings. It is contended that any order passed therein thus cannot operate to the detriment of respondent No.2 nor can it be treated as binding upon him. It is further submitted that, as per the status report called for and placed on record, respondent No.2 had taken the land in question on lease, had sown the wheat crop and had thereafter harvested the same. Learned counsel argues that the dispute between the parties is essentially civil in nature, relating to possession and cultivation of the land. It is contended that the Additional Sessions Judge, Jind, while granting anticipatory bail, has rightly taken into consideration the existence of a dispute inter se between the parties regarding possession of the land, as well as the fact that the injunction order passed by the Civil Court was not directed against respondent No.2. It is further contended that the Court had specifically observed that the said injunction order did not record

any prima facie finding with respect to possession of the petitioner herein over the disputed land. It is argued that in such circumstances the concession of anticipatory bail granted to respondent No.2 is based on a proper appreciation of facts and law and does not call for any interference, particularly when the respondent was neither a party to the civil suit nor bound by any findings recorded therein.

5. On being confronted with the aforesaid position and upon a specific query being put to the learned counsel for the petitioner to substantiate, in law, as to whether a mere absence of recovery from an accused can constitute a valid ground for cancellation of bail, learned counsel fairly concedes that the settled legal position does not support such a proposition, in the facts and circumstances of the present case.

6. In view of the aforesaid response and upon perusal of the material on record, it is evident that the concession of anticipatory bail was granted to respondent No.2 by the Additional Sessions Judge after due consideration of the relevant circumstances. The Court had specifically taken note of the fact that the Civil Court, while granting injunction in favour of the petitioner, had not recorded any prima facie finding to the effect that the petitioner was in possession of the land in question. It was also noticed that respondent No.2 was not a party to the said civil proceedings and, therefore, the said order could not operate to his prejudice. Furthermore, respondent No.2 had also set up a specific case that the land in dispute had been taken on lease by him and that he had sown and harvested the wheat crop thereon, thereby giving rise to disputed questions of fact with respect to his possession, which are essentially civil in nature and can only

be adjudicated upon by a competent Civil Court. In such circumstances, the grant of anticipatory bail cannot be said to suffer from any illegality or perversity warranting interference. It is well settled that mere absence of recovery from an accused cannot by itself constitute a valid ground for cancellation of bail already granted. Accordingly, no case for interference is made out.

7. Consequently, in the absence of any violation of the terms and conditions of the bail or misuse of the same by respondent No.2 as well as any law supporting the submission advanced which would justify cancellation of bail solely on the ground of absence of recovery, the present petition lacks merits and is accordingly dismissed.

(VINOD S. BHARDWAJ)
JUDGE

24.03.2026

Mangal Singh

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