

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

CRM-M No.12825 of 2015

Date of Decision:-13.08.2015

Kulwant Dass & Ors.

.....Petitioners.

Versus

State of Punjab & Anr.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. M.L. Saggar, Senior Advocate assisted by
Mr. Gaurav Grover, Advocate for the Petitioners.

Mr. Kirat Singh Sidhu, Deputy Advocate General, Punjab.

JASWANT SINGH, J.(ORAL)

The petitioners are one Mahant of the Dera and his family members in Physical and cultivating possession since very long time of agricultural land measuring 171 Kanals 8 Marlas with a constructed Dharamshala and Samadh of deceased Mahants situated at village Bilaspur, Tehsil Payal, District Ludhiana. It is also claimed that Sri Guru Granth Sahib is also recited in the Dharamshala. Since the enunciation of law by the Hon'ble Supreme Court that Sri Guru Granth Sahib is a separate juristic person installed in a Gurudwara, therefore, the SGPC is claiming title and possession to the aforesaid land. Respondent no.2-Kartar Singh, an employee of the SGPC along with other persons is stated to have tried to forcibly take possession of the aforesaid land resulting into the physical

clash between the two parties. However, due to the influence of the respondents an FIR was lodged against the petitioners bearing no.351 dated 26.10.2011 under Sections 307, 352, 436, 427, 148, 149 of Indian Penal Code registered with Police Station Payal, District Ludhiana. Since the petitioners claimed themselves to be in possession and the respondents to be aggressors, the present petition under Section 482 Cr.PC has been filed seeking quashing of the aforesaid FIR. Learned Counsel for the petitioners states that out of 8 petitioners, six were granted anticipatory bail and the remaining two were admitted to bail.

Although the present petition has been filed at such a belated stage, it appears that the learned State Counsel was requested to verify the factual position.

Learned State Counsel on instructions from ASI Vipran Kumar, Police Station Doraha states that after the submission of challan and framing of charges, the case is listed for the prosecution evidence. Four witnesses out of the 14 witnesses of the prosecution have already been examined and the cross examination of other three was deferred. The case is now stated to be listed on 17.09.2015.

After hearing learned Counsel for the parties, without going into the merits of the case, however, keeping in view the facts of the present case, it is deemed expedient by this Court to direct the trial Court to expedite the conclusion of trial. Counsel for the petitioners states that they would fully co-operate and would not unnecessarily delay the completion of the trial. However, the old, infirm and the ladies would be free to seek their exemption from personal appearance subject to terms and conditions to be imposed by the trial Court on making of their respective applications, which

shall be considered sympathetically in accordance with law.

Disposed of in the above terms.

**(JASWANT SINGH)
JUDGE**

August 13, 2015
Vinay