

*IN THE HIGH COURT FOR THE STATES OF PUNJAB
AND HARYANA AT CHANDIGARH.*

Cr. Misc. M 2600 of 2016
Date of decision:- 3.3.2016

Kulwinder Singh and ors

Petitioners

vs.

State of Punjab

Respondent

Present: Mr. KS Sidhu, Advocate.
Mr. Siddharth, Advocate.
Ms. HK Athwal, DAG, Punjab.
Mr. Deepak Sabharwal, Advocate.

M.M.S.BEDI,J.

This order will dispose of two petitions, one filed by Kulwinder Singh and ors (CRM M 2600 of 2016) and the second filed by Gurjant Singh and ors (CRM M 4801 of 2016).

On the instructions of ASI Charanjit Singh it has been informed that the petitioners have joined the investigation.

Counsel for the complainant has intervened to oppose the petitions contending that the petitioners have taken forcible possession from the complainant and sold his crop.

I have heard counsel for the parties. The FIR in the present case was registered at the instance of Sukhdev Singh alleging that on 15.10.2015 the complainant along with Karnail Singh saw that his paddy crop was being stolen by the petitioners after destroying the pakka Thaddas. Threats were also hurled on the complainant by the petitioners. Thereafter, the petitioners escaped from the spot. The allegation against petitioners Kulwinder Singh and Jaswinder Singh is that they were ploughing the fields, whereas petitioner Sukhdev Singh had raised a lalkara

for teaching a lesson to the complainant. So far as petitioner Gurjant Singh is concerned, he is alleged to have threatened the complainant and stolen the paddy crop along with members of unlawful assembly. During the course of investigation, recovery of paddy has not been effected.

Counsel for the complainant has submitted that grant of pre-arrest bail to the petitioners will prejudice the fair investigation.

Taking into consideration the totality of the circumstances, it appears that there is a dispute regarding partition of the property. Civil rights of the parties are yet to be determined by the civil court.

Without expression of any opinion regarding the culpability of the petitioners, both the petitions are allowed and it is ordered that in case of arrest of the petitioners, they will be released on bail to the satisfaction of the arresting officer subject to the condition that they will join the investigation as and when required by the police and will not tamper with evidence or hamper the investigation. The petitioners will not indulge in any activity, resulting in breach of peace.

March 1 ,2016
TSM

(M.M.S.BEDI)
JUDGE