

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

Date of decision: 21.03.2016

Gurdhir Singh and others

.....Petitioner

v.

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE JASWANT SINGH

Present:- Mr.MS Sodhi, Advocate for the petitioners

Mr.Kirat Singh Sidhu, DAG Punjab
with HC Jaswant Singh

Mr.Munish Raj, Advocate for
Mr.GS Nahel, Advocate for the complainant.

Jaswant Singh, J.(Oral)

Prayer is for grant of anticipatory bail on behalf of accused Gurdhir Singh, Ravinder Singh and Sukhwinder Singh Sukhi in FIR No. 161 dated 5.10.2015 under Sections 447, 440, 427, 511, 380, 148, 149 IPC and 25/27/54 of the Arms Act, PS Sadar, Jalalabad, District Fazilka.

Complainant Simarjit Singh is looking after the land of his widowed sister-Sharanjit Kaur widow of deceased Sukhdev Singh. The allegations are that Gurdhir Singh armed with .12 bore DBBL, his son Ravinder Singh armed with a revolver, petitioner no.3 Sukhwinder

Singh Sukhi armed with *kirpan* accompanying 20-25 persons came in tractors and cars and took possession of the land belonging to his widowed sister. They threatened the complainant and son of Sharanjit Kaur not to interfere while damaging the *basmati* crop and while committing theft of two spades and two bags of urea while taking possession of the land.

Learned counsel for the petitioners submits that a civil dispute between parties is pending wherein the possession of petitioners has been protected and therefore, the allegations are false.

Learned counsel for the complainant submits that from the application under Order 39 Rules 1 and 2 CPC at P-4 it cannot be inferred that the petitioners are in possession as they are only seeking an injunction qua alienation.

Learned State counsel on instructions from HC Jaswant Singh submits that although petitioners have joined investigation, however they have not cooperated as neither the vehicles, nor the arms nor the stolen articles have been recovered nor the names of 20 accompanying persons have been disclosed.

Without commenting on the merits of the case, from the above it is apparent that custodial interrogation of the petitioners would be necessary so as to have a fair and complete investigation.

Dismissed.

21.03.2016
joshi

(Jaswant Singh)
Judge