

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

- 1. Crl. Misc. No.M-19209 of 2017 (O&M)
 Date of Decision: September 18, 2017**

Harnek Singh and another

.....PETITIONER(s).

VERSUS

State of Punjab

....RESPONDENT(s).

- 2. Crl. Misc. No.M-20138 of 2017 (O&M)**

Iqbal Singh and others

.....PETITIONER(s).

VERSUS

State of Punjab

....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Sonpreet Singh Brar, Advocate
 for the petitioners in both the petitions.

Mr. Luvinder Sofat, A.A.G., Punjab.

SURINDER GUPTA, J.(Oral)

Both the above mentioned petitions have been filed under Section 438 Code of Criminal Procedure for grant of anticipatory bail to the petitioners in case FIR No. 75 dated 28.04.2017 registered for the offences punishable under Sections 379, 447, 511 read with Section 149 of Indian Penal Code at Police Station Nahianwala, District Bathinda.

Heard.

Learned counsel for the petitioners submits that the petitioners

have joined the investigation.

Learned State counsel on instructions from HC Balbir Singh while endorsing the submissions made by learned counsel for the petitioners submits that petitioners are not co-operating in recovery of harvested crop and other infrastructure used for harvesting the crop as such are not entitled to anticipatory bail.

Admittedly, the suit property is recorded to be joint holding of parties in the *jamabandi*. The police is still investigating the matter as to which party was in actual possession at the spot and collecting the evidence in this regard. The civil litigation is also pending between the parties.

Keeping in view the above fact, both the petitions are allowed and the order dated 26.05.2017 passed in CRM-M-19209-2017 and order dated 31.05.2017 passed in CRM-M-20138-2017 are made absolute till the presentation of challan, subject to the following terms:-

- (i) that the petitioners shall make themselves available for interrogation by the police as and when required;
- (ii) that the petitioners shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the accusation against them so as to dissuade him from disclosing such facts to the Court or to any police officer;
- (iii) that the petitioners shall not leave India without the prior permission of the Court.
- (iv) that the petitioners will seek regular bail on the presentation of challan in Court.

September 18, 2017
Jyoti-II

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No