

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

202

CRM-M-39544 of 2016

Date of Decision: April 19, 2017

Rajinder Kumar Tiwari and others

....Petitioners

vs.

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present: Mr. Vishal Satija, Advocate for
Mr. Vivek K. Thakur, Advocate for the petitioners.

Ms. Harpreet K. Athwal, DAG, Punjab.

TEJINDER SINGH DHINDSA, J. (Oral)

This order shall dispose of the present petition filed under Section 438 Cr.P.C. seeking concession of anticipatory bail to the petitioners in F.I.R. No.0238 dated 28.10.2016 under sections 323, 324, 34 IPC and Section 3(1) of Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, registered at Police Station Kapurthala City, District Kapurthala (Punjab).

On 07.11.2016, while issuing notice of motion, the following order was passed by this Court:-

"Learned counsel for the petitioners submits that there is a dispute over some land between the complainant and the petitioners. Petitioner No.1- Rajinder Kumar Tiwari had filed a civil suit for permanent injunction regarding that land in which Manga husband of the complainant was arrayed as defendant No.6 and the defendants, including Manga, was restrained from dispossessing petitioners- Rajinder Kumar etc. illegally and forcibly from the suit property. A complaint was also filed by petitioner No.1- Rajinder Kumar against complainant -Seema

and her family members which is pending before Chief Judicial Magistrate, Kapurthala. It is as a counter blast to the said civil suit and the complaint that complainant-Seema had got the instant case registered against the petitioners.

Petitioner No.2 is stated to be 16 years old daughter of petitioner No.1 -Rajinder Kumar.

Notice of motion for 20.12.2016.

Meantime, the petitioners are directed to join the investigation as and when called by the Investigating Officer. In the event of their arrest, they shall be released on interim bail by the Investigating Officer on their furnishing bail bonds/sureties to his satisfaction, subject to the conditions mentioned below, as envisaged in Section 438(2) Cr.P.C.:

i. that the petitioners shall make themselves available for interrogation by Police Officer 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 case 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 previous permission of the Court."

Learned State counsel upon instructions from HC Major Singh would apprise the Court that the petitioners have since joined investigation and are no longer required for any custodial interrogation.

Prayer made in the present petition is accepted.

Order dated 07.11.2016, passed by this Court, is made absolute.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

19.04.2017
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Whether speaking/reasoned : Yes
Whether reportable : No