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

CRM-M No.40808 of 2016
Date of Decision: 19.04.2017

BALWINDER SINGH AND ANOTHER

.....PETITIONERS

Vs

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Sanjiv Gupta, Advocate
for the petitioner.

Ms. Rimplejeet Kaur, A.A.G., Punjab.

Mr. S.S. Tiwana, Advocate
for the complainant.

RAJ MOHAN SINGH, J.(Oral)

On 16.11.2016, following order was passed by this

Court:-

“As per the allegations in the First Information Report, the petitioners alongwith Sukhwinder Singh and some other persons had criminally trespassed into the 'Bara' of complainant Karnail Singh and had taken possession of the same illegally. Learned counsel for the petitioner submits that the

petitioners are not named in the First Information Report. The articles, which were lying in the 'Bara' and were allegedly taken away by the assailants had also not been named in the said report. The complainant concealed the factum while lodging the First Information Report that he had entered into an agreement to sell the 'Bara' with Sukhwinder Singh, nephew of petitioner No.1 Balwinder Singh for a sale consideration of Rs.4 lacs, out of which Rs.3.25 lacs had been paid to him. Subsequently, he declined to honour the transaction on which a settlement before the Panchayat took place wherein he agreed to return the money but he did not do so.

Notice of motion for 13.1.2017.

Meantime, the petitioners shall join investigation. In case of their arrest, they shall be enlarged on interim anticipatory bail by the Arresting Officer subject to the following conditions:-

- 1) that they shall make themselves available for interrogation by a police officer as and when required;*

- 2) *that they 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 and ;*
- 3) *that they shall not leave India without the prior permission of the Court.”*

Learned State counsel on instructions from ASI Balbir Singh submitted that pursuant to aforesaid order, the petitioners have joined the investigation.

Learned counsel for the complainant submitted that the articles lying in the Bara/plot have not been returned to the complainant so far.

Apparently, both the parties have resorted to civil action before the competent Court.

In view of above, I deem it appropriate to confirm the order dated 16.11.2016.

Ordered accordingly.

April 19, 2017
jyoti Y.

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No