

Sr. No.203

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM No. M-43687 of 2016 (O&M)

Date of Decision:03.03.2017

Kulwant Singh and another

... Petitioners

Versus

State of Punjab

... Respondent

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. Dilpreet Singh Gandhi, Advocate,
for the petitioners.

Mr. P.S.Grewal, DAG, Punjab.

TEJINDER SINGH DHINDSA, J.(ORAL)

The instant petition has been filed under Section 438 Cr.P.C. seeking concession of pre-arrest bail to the petitioners in case FIR No.156 dated 25.09.2011, under Sections 420/452/506/120-B of IPC, registered at Police Station Cantonment, District Amritsar City.

On 07.12.2016, while issuing notice of motion, the following order was passed by this Court:-

“The petitioners have preferred this petition for grant of anticipatory bail in case FIR No.156 dated 25.09.2011, registered at Police Station Cantonment, District Amritsar City, under Sections 420, 452, 506, 120-B IPC.

Learned counsel for the petitioners argues that the dispute is of civil nature and the police is now trying to arrest the petitioners despite the fact that the FIR is more than five years old.

Notice of motion for 01.02.2017.

In the meantime, in the event of arrest of the

petitioners, they shall be released on interim bail by the investigating officer subject to the conditions envisaged under Section 438(2) Cr.P.C. However, they shall join investigation as and when their presence is required.”

Learned State counsel apprises the Court that after registration of the FIR in the year 2011, inquiry was conducted and in pursuance to which cancellation report had been prepared. However, the complainant having re-agitated the matter, a second inquiry was marked and in which the petitioners stand indicted.

Counsel for the petitioners would contend that the dispute was essentially civil in nature and in respect of a plot. State counsel states that petitioners have otherwise joined investigation.

In the peculiar circumstances noticed hereinabove, the prayer made in the present petition is accepted.

Petition is disposed of in terms of making order dated 07.12.2016 passed by this Court as absolute.

03.03.2017

vandana

**(TEJINDER SINGH DHINDSA)
JUDGE**

Whether speaking/reasoned

Yes

Whether Reportable

No