

**CRM-M-45561-2016 and
CRM-M-2543-2017**

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

Date of Decision:23.02.2017

1. CRM-M-45561-2016 (O & M)

Ravinder Singh @ Binda

... Petitioner

Versus

State of Punjab

... Respondent

AND

2. CRM-M-2543-2017 (O & M)

Karnail Singh and others

... Petitioners

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. B.S.Bhalla, Advocate,
for the petitioners in both the petitions.

Mr. Deep Singh, AAG, Punjab.

Mr. Karamjit Singh, Advocate,
for the complainant.

INDERJIT SINGH, J.

This order shall dispose of CRM-M-45561-2016, filed by
petitioner-Ravinder Singh @ Binda and CRM-M-2543-2017, filed by

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petitioners-Karnail Singh, Gurpiar Singh, Jaskirat Singh, Bikramjit Singh, Karamjit Singh @ Kama @ Jagsir Singh and Jasvir Singh have filed this petition under 438 read with Section 482 of the Code of Criminal Procedure, 1973 (for brevity, 'Cr.P.C.') for grant of anticipatory bail in case FIR No.85 dated 01.09.2016, registered at Police Station Mehna, District Moga, under Sections 379, 447, 511, 148, 149 and 177 of the Indian Penal Code, Sections 25 and 27 of the Arms Act and Sections 3 and 4 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Notice of motion has been issued in both these petitions. Learned State counsel put in appearance on behalf of the respondent-State and the complainant also appeared through his counsel. They contested these petitions.

I have heard learned counsel for the petitioners; learned State counsel as well as learned counsel for the complainant and have gone through the record.

From the record, I find that as per the FIR, petitioner-Ravinder Singh @ Binda got the mutation sanctioned of the land wrongly in his name in connivance with the revenue officials. It is stated in the FIR that on 06.11.2013, petitioner-Ravinder Singh @ Binda alongwith 50-60 persons harvested the crop standing in 8 acres of him and 3 acres of the land of Harbhajan Singh. Perusal of the record shows that order of the revenue authority was challenged and appeal filed by the complainant was also

dismissed and now the matter is pending before the Financial

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Commissioner, Revenue, Punjab. Perusal of the FIR shows that it is nowhere written regarding the caste of the complainant in the FIR nor there is anything that due to complainant being Ramgarhia Sikh, the present occurrence took place.

Learned State counsel submitted that about 13 FIRs have been registered against petitioner-Ravinder Singh @ Binda. However, 04 FIRs have been registered by the complainant qua the same agricultural land for harvesting the crop etc. and in 5-6 FIRs, cancellation report has already been filed, as argued.

Keeping in view the facts and circumstances of the present case; without discussing the facts of the case in minute details and without expressing any opinion on the merits of the case, I find that the petitioners are not required for custodial interrogation and nothing is to be recovered from them. Therefore, finding merits in both these petitions, the same are allowed. It is ordered that in the event of arrest, the petitioners be released on bail subject to their furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioners shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.

23.02.2017
parveen kumar

(INDERJIT SINGH)
JUDGE

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