

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

**Crl. Misc. No.M-46774 of 2017 (O&M)
Date of Decision: December 14, 2017.**

Feroz Alam

.....PETITIONER(s).

VERSUS

State of Punjab

.....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. N.S.Dadwal, Advocate
for the petitioner (s).

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 256 dated 11.10.2017 registered for the offences punishable under Sections 420, 447, 448, 506 read with Section 120-B of Indian Penal Code at Police Station Sahnewal, Ludhiana.

Heard.

Notice of motion.

On asking of the court, Ms. Seena Mand, DAG, Punjab, who is present in the Court accepts notice and submits that intimation by Registry informing of fixation of the petition has already been received and record of the case is available with her.

Dr. Deipa Singh, Advocate, who is present in the Court, has put

in appearance on behalf of Mr. Vinod S. Bhardwaj, Advocate for the complainant.

Learned counsel for the petitioner submits that dispute in this case is between complainant and Surinderpal Singh. Petitioner is not named in the FIR. As per the allegations of the complainant, it was Surinderpal Singh, who was stopping him from raising construction on the land, owned by him.

Learned State counsel submits that there is land dispute between the parties and the petitioner was posted on that land as *Chowkidar* and for this reason, the police has arrested him on 29.10.2017.

Admittedly, no role or allegation against the petitioner has been levelled by the complainant in the FIR. The mere fact that he was posted over the land in dispute as watchman by Surinderpal Singh, prima facie do not disclose commission of any offence punishable under Section 420 IPC by petitioner, who is also not alleged to be privy to commission any other offence in conspiracy with Surinderpal Singh.

Keeping in view the above facts but without expressing any opinion on merits of the case, the present petition is allowed. Petitioner Feroz Alam is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate, subject to following terms:-

- a. The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- b. In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel his bail bond and surety bond and proceed to procure his presence in accordance with

law. In that eventuality the petitioner shall have to apply for bail afresh.

- c. He shall not leave the country without the prior permission of the Court.

December 14, 2017
Jyoti-II

(SURINDER GUPTA)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes/No</i>
<i>Whether Reportable:</i>	<i>Yes/No</i>