

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

**Criminal Misc. No. M-15432-2018 (O&M)
Date of Decision: 13.07.2018**

Gurbachan Singh and others

.. Petitioners

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Vishwajit Bedi, Advocate for the petitioners.

Mr. Pawan Sharda, Sr. DAG, Punjab.

Mr. R.K. Arya, Advocate for the complainant.

...

Inderjit Singh, J.

CRM-23415-2018

Application is allowed, subject to all just exceptions and the document is taken on record.

Criminal Misc. No. M-15432-2018

Petitioners Gurbachan Singh, Harjit Kaur and Kamaljit have filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.21 dated 02.04.2018, registered at Police Station Purana Shalla, Tehsil Dinanagar, District Gurdaspur, under Sections 323, 324, 379, 34 of Indian Penal Code.

Notice of motion was issued in this case.

Learned State counsel as well as learned counsel for the complainant have appeared and contested this petition.

I have heard learned counsel for both the parties as well as learned State counsel and have gone through the record.

As per the allegations, the complainant Lakhwinder Singh has

Gurbachan Singh, whereas, learned counsel for the petitioners argued that the sale deeds have not been executed by Gurbachan Singh. Civil litigation is pending for setting aside the said sale deeds. As per the FIR, the present petitioners came to the field and caused injuries and one electronic motor attached to submersible pump had been taken away. Earlier, the FIR was registered under Sections 323, 324, 379 and 34 IPC, but later on, the offence under Section 326 IPC has been added.

In pursuance of the interim order dated 23.04.2018, passed by this Court, the petitioners have already joined the investigation. They are not required for custodial interrogation. Therefore, no useful purpose would be served by sending the petitioners to custody.

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 merit in this petition and the same is allowed. The order dated 23.04.2018, granting interim bail to the petitioners, is made absolute. However, the petitioners shall join the investigation as and when called upon to do so and shall abide by the conditions of Section 438 (2) Cr.P.C.

13.07.2018
Jasmine Kaur

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No