

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

CRM-M-18366-2018 (O&M)

Date of Decision:- 12.7.2018

Lakhwinder Singh and others

... Petitioners

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. K.B.Raheja, Advocate, for the petitioners.

Mr. A.S. Sandhu, Addl. A.G. Punjab.

GURVINDER SINGH GILL, J. (Oral)

The petitioners seek grant of anticipatory bail in respect of a case registered against them vide FIR No.100 dated 20.4.2018 under Sections 379, 447, 506, 148, 149 of Indian Penal Code, 1860 and Sections 25/27 of Arms Act at Police Station Sadar, Ferozepur.

The allegations, in nutshell, are that the petitioners along with other co-accused had harvested the wheat crop belonging to the complainant. Notice of motion had been issued in this case subject to the condition that each of the petitioners would deposit a sum of ₹20,000/- and that orders regarding disbursement of same would be passed at appropriate stage.

Today at the very outset it has been informed that the directions regarding deposit of ₹20,000/- by each of the petitioners have been complied

with and the amount had been deposited in the trial Court which has not been disputed by the learned State counsel.

It has been informed by learned State counsel upon instructions from ASI Mehal Singh, that the petitioners have joined the investigation and are no longer required for any further investigation.

In view of the aforestated position, the interim directions dated 3.5.2018 are hereby made absolute subject to the condition that the petitioners make themselves available for investigation as and when directed.

It has however been informed by learned counsel for the petitioners that the wheat in question is still lying in the police Malkhana and that no order had been passed for its release so far.

On the other hand, learned State counsel has informed that an application had been filed on behalf of the petitioners for release of wheat in question on supardari but the same has not been finally disposed of.

In view of the fact that wheat is a perishable item especially if not stored under proper conditions, the trial Court is directed to pass appropriate orders in accordance with law for release of the same in case any supardari application is pending or for disposal of the same by sale in case no such application is filed and to keep the sale proceeds deposited till appropriate orders/findings as regards entitlement are returned.

July 12, 2018

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(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No