

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-197-2018 (O&M)
Date of decision: 10.05.2018

Mahant Janki Dass

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Sarthak Gupta, Advocate and
Mr. Abhinav Aggarwal, Advocate for
Mr. Ajaivir Singh, Advocate
for the petitioner.

Ms. Samina Dhir, DAG, Punjab.

Mr. Kiran Kumar, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of anticipatory bail in FIR No.115 dated 29.11.2017 under Sections 380, 447, 427, 149 IPC, registered at Police Station Sekhwan, District Gurdaspur.

On 08.01.2018, following order was passed: -

“Prayer in this petition is for grant of anticipatory bail in case FIR No.115, dated 29.11.2017, under Sections 380, 447, 427 and 149 of IPC, registered at Police Station Sekhawan, District Gurdaspur.

Learned Senior counsel for the petitioner submits that as per the averments in the FIR, it is alleged that the petitioner on 18.04.2017, along with other persons has taken possession of the land in dispute and later on 19.04.2017 demolished ten

constructed shops. Learned counsel further submits that in fact the complainant has filed a civil suit on 15.05.2017 and prayed for decree of permanent injunction. In that suit, no such averment was made that the petitioner has taken the possession of the property in dispute or has demolished the shops and rather has taken a specific stand that he is still in possession of the property in dispute. It is further submitted that on an earlier occasion, the complainant filed a suit for possession by way of specific performance of an agreement dated 26.08.1983 and the said suit was dismissed on 12.02.2015.

The judgment of the Civil Court was upheld by this Court in RSA No.5616 of 2015 vide judgment dated 18.03.2017 holding that there is nothing on record to prove that the defendant in the aforesaid suit who has allegedly entered into an agreement to sell was having any ownership right to alienate the same.

Learned counsel further submits that an application was moved by the petitioner for correction of the revenue record and the same has been allowed and this order is upheld by the Court of Commissioner (Appeals) Jalandhar Division, Jalandhar, vide orders dated 26.04.2016 and 02.08.2016 and the necessary entry has already been incorporated in the current Zamabandi.

Notice of motion for 28.03.2018.

In the meantime, the petitioner is directed to appear before the Investigating Officer to join the investigation within a period of 30 days and he shall be released on interim bail subject to the following conditions:-

- 1. He shall make himself available for interrogation by a police officer as and when required;*
- 2. He shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer; and*
- 3. He shall not leave India without previous permission of the Court.”*

Thereafter, on 28.03.2018, the petitioner was again directed to join the investigation.

Learned State counsel, on instructions from ASI Vijay Kumar, submits that the petitioner has joined the investigation and he is not required for further investigation.

In view of the above, this petition is allowed and the interim bail granted to the petitioner vide order dated 08.01.2018 is made absolute subject to the conditions envisaged under Section 438 (2) Cr.P.C.

[ARVIND SINGH SANGWAN]
JUDGE

10.05.2018

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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No