

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

1. CRM-M-38853-2018

Ranjit Singh

...Petitioner

Versus

State of Punjab

...Respondent

2. CRM-M-38881-2018

Charan Singh

...Petitioner

Versus

State of Punjab

...Respondent

Date of decision: 28.11.2018

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. G. S. Dhaliwal, Advocate
for the petitioners.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

This common order shall dispose of above mentioned two criminal petitions as they arise out of the same FIR.

The petitioners pray for grant of anticipatory bail in FIR No. 11 dated 22.01.2017, under Sections 323, 324, 341 and 34 of the IPC and Section 3, 4 of the SC/ST Act, 1985, registered at Police Station Rahon, District S.B.S. Nagar.

The operative part of the order dated 14.09.2018, vide which the petitioners have been granted interim bail, is reproduced below:

“Learned counsel for the petitioners submits that while granting anticipatory bail to co-accused Charanjit Singh in CRM-M-5524-2018, the following order was passed by this Court on 09.02.2018:-

“Counsel for the petitioner submits that the complainant was Sarpanch of the village and on a complaint filed by the brother of the petitioner, namely, Charan Singh, who is also co-accused, the complainant was suspended from the post of Sarpanch and on his place, an Administrator was appointed. Counsel for the petitioner further submits that even on an earlier occasion, an FIR No. 96 dated 25.06.2016 was registered at Police station Rahon under Sections 323, 325, 452, 148 and 149 of IPC against the complainant which is still pending. He further submits that there is a dispute with regard to khasra No.55 adjoining to the village Gurudawara, which the complainant wants to grab and in this regard, a civil suit is also pending against the complainant. Counsel for the petitioner further submits that in fact on 21.01.2017, the petitioner got recorded the FIR against the complainant and in this FIR No. 11, dated 22.01.2017, after a period of about one month i.e. on 16.02.2017, the cross version was registered. It is thus, submitted that on account of previous litigation and the personal vendatta, the provision of Sections 3 and 5 of the SC & ST act have been invoked in the instant FIR, though there is no such allegation in this regard against the petitioner and his brother.”

Learned State counsel, on instructions from ASI Balwinder Singh, submits that Satpal Singh, against whom the allegations were under Sections 3/4 of the SC/ST Act, has already been granted anticipatory bail by the Additional Sessions Judge and submits that the petitioners be directed to join investigation.

List again on 28.11.2018. ”

Learned counsel for the petitioners submits that the petitioners, in pursuance to the order dated 14.09.2018, have already appeared before the SHO/Investigating Officer and have joined the investigation.

Learned counsel for the State, on instructions from ASI Surinder Kumar, has not disputed the factual position and submits that the petitioners have joined the investigation and are no more required for any further investigation and challan has already been presented.

In view of the above, these petitions are allowed and the interim bail granted to the petitioners, vide order dated 14.09.2018, is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

A photocopy of this order be placed on the file of other connected case.

November 28, 2018

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No