

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

(I) CRM-M-8150-2019 (O&M)
Date of Decision:-29.5.2019

Jaswinder Singh @ Vicky ... Petitioner

Versus

State of Punjab ... Respondent

(II) CRM-M-13575-2019 (O&M)

Inderjit Singh ... Petitioner

Versus

State of Punjab ... Respondent

(III) CRM-M-15726-2019 (O&M)

Karamjit Singh ... Petitioner

Versus

State of Punjab ... Respondent

(IV) CRM-M-15761-2019 (O&M)

Tarlochan Singh ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Vikram Preet Arora, Advocate for the petitioner(s).

Mr. Randhir Singh Thind, DAG, Punjab.

GURVINDER SINGH GILL, J.(Oral)

This order shall dispose of aforesaid four petitions filed on behalf of petitioners Jaswinder Singh @ Vicky, Inderjit Singh, Karamjit Singh and Tarlochan Singh seeking grant of anticipatory bail in respect of a case registered against them vide FIR No.116 dated 7.12.2018 at Police Station Bakshiwal, District Patiala under Sections 353, 186, 447, 427, 511, 148 and 149 of Indian Penal Code, 1860.

The FIR was registered at the instance of Surinder Kumar, Halka Kanungo, Dhablan, Revenue Department, Tehsil and District Patiala, wherein it has been stated that as per orders of DDPO passed in 'Gram Panchayat Rakhra Versus Young Farmers Association' a warrant of possession was issued and sent to the Tehsildar, who deputed him (complainant) to execute the same provided there is no 'stay order or *status quo* order' by any Court in favour of any of the party. It is alleged that when the complainant went to the spot alongwith other revenue officials, then Sh. Bhagwan Dass Gupta, Director of Young Farmers Association came to the spot and showed a copy of stay order passed in CWP-30860 of 2018, wherein stay had been granted in favour of the petitioner and as per which possession could not be taken from Young Farmers Association. The complainant accordingly informed his seniors that possession cannot be delivered to Panchayat, but the persons present at the spot namely Inderjit Singh, Vicky, Karamjit Singh and Tarlochan Singh and another 15-20 persons said that they are not ready to obey the orders of the High Court and tried to take forcible possession of the land and even threatened Bhagwan Dass Gupta.

A perusal of FIR does not show that the petitioners have obstructed either the delivery of possession or had manhandled the complainant in any manner or had caused any injury so as to whether obstruct anybody. Although the FIR does disclose the intention of the petitioners to take forcible possession, but it would certainly be debatable as to the same would constitute an offence under Sections 353/186 of Indian Penal Code.

Having regard to the facts and circumstances of the case and bearing in mind that the petitioners have joined investigation, in my opinion, it is a fit case for grant of anticipatory bail. The petitions, as such, are accepted and the interim directions issued by this Court vide order dated 22.2.2019, 26.3.2019 and 5.4.2019 are hereby made absolute subject to the condition that the petitioners shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

The petitions stand accepted accordingly.

29.5.2019

pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No