

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

CRM-M-17095-2019 (O&M)

Date of decision : 28.08.2019

Basant Singh Bhangu

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Vinay Kumar, Advocate for the petitioner.

Mr. Bhupender Beniwal, AAG, Punjab alongwith
ASI Harjit Singh.

ANIL KSHETARPAL, J. (ORAL)

Prayer in the present petition is to grant anticipatory bail to the petitioner in FIR No.44 dated 21.03.2019 registered under Sections 465, 467, 471, 447, 506 of the Indian Penal Code at Police Station Chheharta, District Amritsar.

On 12.04.2019, following order was passed:-

“Through instant petition under Section 438 Cr.P.C. prayer has been made for grant of anticipatory bail to the petitioner in case FIR No.44 dated 21.03.2019 registered under Sections 465, 467, 471, 447, 506 IPC at Police Station Chheharta, District Amritsar.

According to the prosecution, petitioner trespassed into plot No.182 carved out by Pearl Co-operative Housing Society, Amritsar and demolished its boundary wall.

Learned counsel for the petitioner inter alia contends that no date of the alleged occurrence is disclosed by complainant in the FIR. Petitioner has falsely been implicated. He is ready to join investigation.

Notice of motion.

On the asking of the Court, Ms. Sudeepti Sharma, Addl. A.G., Punjab, accepts notice on behalf of the State. Requisite number of sets of the paper-book be supplied to her during the course of the date.

Adjourned to 23.7.2019 for consideration.

In the meantime, petitioner is directed to join the investigation and would come present as and when called for and in the event of arrest, the petitioner shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438(2) Cr.P.C. ”

Learned counsel for the State, on instructions from ASI Harjit Singh, has submitted that petitioner has joined investigation.

Case setup by the prosecution is that the petitioner trespassed into adjoining plot even after having lost in civil suit.

During the pendency of the present petition, petitioner was required to file affidavit clearly stating as to what is the stand with regard to possession and ownership of plot No.182, allegedly and forcibly trespassed by him as per the case of the prosecution. Affidavit of the petitioner dated 24.07.2019 has been filed which states as under:-

“1. That on the last day of hearing i.e. 23.7.2019 during courses of arguments of the present case issue regarding plot No.182 situated at Village Kala Ghanpur Suburban known as Raj Avenue, Ram Tirath Road, Amritsar came up

and the present deponent is alleged to have forged allotment letter of plot No.182 in the name of his father Darshan Singh.

4. *That in the present case the deponent undertakes on his behalf and on behalf of his whole family, including his father, brothers and sisters that they will not claim the possession and ownership of the aforementioned plot No.182.”*

Keeping in view the aforesaid stand taken by the petitioner, this Court is of the considered opinion that the interim protection granted to the petitioner on 12.04.2019 is required to be made absolute. Accordingly, same is made absolute.

In view of the above, the present petition is allowed.

28.08.2019

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No