

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

(I) **CRM-M-48297-2018 (O&M)**
Date of Decision:- 23.5.2019

Surjit Kaur and another	Versus	... Petitioners
State of Punjab		... Respondent

(II) **CRM-M-50608-2018 (O&M)**

Rajinder Sharma	Versus	... Petitioner
State of Punjab		... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Gautam Dutt, Advocate with
Mr. A.D.Narula, Advocate, for the petitioner
in CRM-M-48297-2018.

Mr. Kushagra Mahajan, Advocate, for the petitioners
in CRM-M-50608-2018.

Ms. Rashmi Attri, AAG, Punjab assisted by
ASI Parwinder Singh.

GURVINDER SINGH GILL, J.

1. This order shall dispose of the above mentioned two petitions wherein petitioners Surjit Kaur, Sarabjit Singh and Rajinder Sharma, have approached this Court seeking grant of anticipatory bail in respect of a case registered against them vide FIR No.64, dated

12.8.2018, at Police Station Satnampura, District Kapurthala, under Section 306 IPC.

2. The FIR in the present case was lodged at the instance of Sukhjit Kaur, wherein it has been alleged that her marriage was solemnized with Piare Lal in the year 1993. Her father Pal Singh had purchased a plot measuring 9 ½ marlas, situated in Phagwara, in the year 2007 from Sunil Kumar through property dealer Raj Kumar and after purchasing the same he had raised *burjies* and boundary wall and laid foundations on the same. However, about 1 ½ months back when her father went to see the plot, it was found that Gurdarshan Lal, Saranjit Singh and Rajinder Sharma property dealer were trying to take possession of the plot after demolishing the *burjies* and were raising boundary wall. However, they stopped the demolition on arrival of the police. It is alleged that on 11.8.2018, when complainant's father again went to the plot, Gurdarshan Lal, Surjit Kaur, Saranjit Singh and Rajinder Sharma and 4-5 unknown persons were constructing boundary wall on the plot after demolishing the *burjies* and upon which complainant's father made a telephone call to the police station and the police came to the spot and restrained the said persons. However, later the said persons again started raising construction of the boundary wall and drove out complainant's father from the said place. In the evening, when the complainant's father returned home he disclosed that he was tense and was feeling aggrieved at the hands of the aforesaid persons and went of to sleep without having food. Late in the night when the complainant went to her father's room, she

saw her father wriggling in bed and who disclosed that on account of attempts made by Gurdarshan Lal, Surjit Kaur, Saranjit Singh and Rajinder Sharma and 4-5 unknown persons for taking possession of his plot and by fixing a gate he felt aggrieved and has consumed poison. The complainant's father was rushed to hospital but he could not survive.

3. Learned counsel for the petitioners have submitted that they have been implicated falsely in the present case and that the present case is in fact is a case of dispute regarding demarcation and a large number of persons have been nominated as accused simply in order to pressurise the accused.
4. Learned counsel for Surjit Kaur has submitted that she has also been falsely implicated in the present case simply in order to pressurise the accused party as the petitioner is a lady and that it is in fact a case of dispute regarding demarcation.
5. Opposing the petition(s), learned State counsel has submitted that since the petitioners are specifically named in the FIR, no case for grant of anticipatory bail is made out.
6. I have considered rival submissions addressed before this Court. The allegations in the FIR are very specific to the effect that the petitioners had time and again attempted to dispossess the complainant's father from the plot in question, due to which he felt tense and aggrieved and due to which he took the step of committing suicide. Although, the facts of the case would not warrant grant of anticipatory bail, but petitioner No.1 Surjit Kaur (in CRM-M-48297-

2018) being lady can be extended this concession solely on the ground that she is a lady and the possibility of her being falsely implicated in order to pressurise the other accused cannot be ruled out as it is unlikely that she would have herself actively participated for taking possession and demolishing the burjies and demolishing of the boundary wall. The petition as such, on behalf of petitioner No.1 Surjit Kaur (in CRM-M-48297-2018) only is accepted. In the event of arrest, petitioner No.1 Surjit Kaur be released on bail subject to her furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. Petitioner-Surjit Kaur shall join the 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.

7. However, the petitions filed on behalf of petitioner No.2 Sarabjit Singh (in CRM-M-48297-2018) and Rajinder Sharma (in CRM-M-50608-2018) stand dismissed.
8. It is, however, clarified that none of the observations made above shall be taken to be an expression on merits of the main case.

May 23, 2019
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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No