
Mohd. Jameel and another v. State of Punjab.

Present: Mr. Iman Farooqi, Advocate,
for the petitioners.

Mr. A.P.S. Gill, D.A.G., Punjab.

Though the complainant is shown to be the 80 year old father of petitioner no.1, and grand-father of petitioner no.2. He has made an allegation that his son and grand-son attacked him; however, learned counsel for the petitioners submits that as a matter of fact in respect of the very same property as is in dispute, the complainant had also instituted a civil suit on 11.04.2002, seeking a decree of perpetual and mandatory injunction against the first petitioner and two others, which suit was dismissed by the trial court on 06.05.2009, with the appeal against that decision also having been dismissed by the learned first appellate court on 18.09.2012 (both judgments having been annexed with the petition), though the second appeal is stated to be pending before this court.

The contention is that the FIR, dated 04.10.2017, is only a counter blast to the aforesaid suit having been dismissed.

Looking at the fact that the suit filed by the complainant was dismissed in the year 2009, with the appeal thereafter having been dismissed in the year 2012 and the FIR having been lodged in October 2017, in the opinion of this court it would not be seem to be a counter blast to something that happened 5 years earlier, with regard to disputed property.

Moreover, this petition seeking the concession of anticipatory bail has been filed about 1 year and 9 months after the FIR was registered and about

1 year after the petition earlier filed before the learned Additional Sessions Judge, Sangrur, was dismissed on 12.07.2018.

Consequently, keeping in view all the aforesaid circumstances, especially the fact that the complainant is the 80 year old father of petitioner no.1, I see no ground to grant the concession of anticipatory bail, with the petition therefore dismissed.

However, nothing stated hereinafore will be taken to be a comment on the merits of the case in favour or against the petitioners but only in the context of their seeking the concession of anticipatory bail.

July 19, 2019
dinesh

(AMOL RATTAN SINGH)
JUDGE