

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

CRM-M-55853-2018 (O&M)

Date of Decision:- 7.2.2019

Satnam Singh Bhatia @ Monu

... Petitioner

Versus

State of Punjab

... Respondent

**CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL**

Present:- Mr. Vipin Mahajan, Advocate, for the petitioner.

Ms. Ruchika Sabherwal, AAG, Punjab.

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**GURVINDER SINGH GILL, J. (Oral)**

1. The petitioner seeks grant of anticipatory bail in respect of a case registered against him vide FIR No.80, dated 30.11.2018, registered at Police Station Kahnuwan, District Gurdaspur, under Sections 379-B, 353, 186, 204, 34 IPC.
2. The FIR was lodged on the basis of complaint made by Block Development and Panchayat Officer (BDPO) namely Jinderpal Singh wherein it has been alleged that 35 acres of 'Shamlat' Land had been leased out regarding which lease money is to be deposited in the month of May every year. Out of the said land 9 acres has been leased out to Paramjit Singh who had not deposited the lease money and regarding which a telephonic call had been made to Paramjit Singh on 29.11.2018 and said Paramjit Singh made Kulwant Singh talk over

phone and said Kulwant Singh however used unparliamentary language and abused the VDO (Village Development Officer). It is further alleged that thereafter Kulwant Singh (Moti Bhatia) and his brother Satnam Singh reached the office of BDPO and upon reaching there started abusing Jinderpal Singh/complainant and when the complainant objected to the same, Kulwant Singh (Moti Bhatia) and his brother Satnam Singh caught the complainant from his neck and tore his shirt and asked him to cancel the lease and snatched the papers from the complainant and tore the same and thereafter left while carrying papers and while issuing threats to kill the complainant.

3. Learned counsel for the petitioner has submitted that even as per FIR, it is co-accused Kulwant Singh (Moti Bhatia) who had initially threatened the complainant over phone and had used unparliamentary language and that although in the FIR allegations have been levelled to the effect that said Kulwant Singh and his brother (the petitioner) subsequently went to the office of DDPO and caught the complainant from his neck and tore his shirt and asked him to cancel the lease but the said allegations do not specify as to which of the accused was responsible for tearing the shirt of the complainant or for holding of his neck. It has further been submitted that the co-accused Kulwant Singh (Moti Bhatia), in any case has been released on regular bail and as such the petitioner also deserves the concession of bail especially since he has already joined investigation.

4. Opposing the petition, learned State counsel has submitted that since the petitioner is specifically named in the FIR, no case for grant of anticipatory bail is made out. It has further been informed, upon instructions from SI Lakhwinder Singh, that pursuant to the directions issued by this Court, the petitioner has joined investigation.
5. Without commenting on the merits of the case and having regard to the nature of allegations and the fact that the petitioner has already joined investigation and that the co-accused is already on regular bail, in my opinion, it is a fit case for grant of anticipatory bail. The petition, as such, is accepted and interim directions issued vide order dated 18.12.2018 are made absolute subject to the condition that the petitioner shall appear and join the investigation as and when called upon to do so and cooperate with the Investigating Officer and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.
6. Since it has been informed by learned counsel for the petitioner that an offence under Section 506 IPC has also been added, it is made clear that the aforesaid order shall enure Section 506 IPC as well.

**February 7, 2019**

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**(GURVINDER SINGH GILL)**  
**JUDGE**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No