

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-25569-2018 (O&M)

Date of decision: 07.11.2019

Rabinder Singh and others

... Petitioners

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Surinder Sharma, Advocate
for the petitioners.

Mr. Jagmohan Ghumman, DAG, Punjab.

Mr. Anurag Arora, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of anticipatory bail in FIR No.76 dated 29.04.2018 under Sections 447, 379, 149, 120-B IPC, registered at Police Station Division No.6, Jalandhar.

While granting interim bail to the petitioners, following order was passed by this Court on 11.06.2018: -

“...Counsel for the petitioners submits that as per the allegations in the FIR, registered on the statement of one Joginder Singh, he owns a plot of 05 marlas in Jyoti Nagar near Basant Vihar Road, Jalandhar and he has obtained the possession of plot from PUDA and Municipal Corporation. It is further stated in the FIR that the

complainant has kept his iron (saria) and block of cement for raising some construction and on the intervening night of 22/23.04.2018, the petitioners alongwith some other persons, with an intention to take possession, have stolen the aforesaid articles. Counsel for the petitioners further submits that, in fact, there is a dispute with regard to the passage between the parties and the disputed property is part of khasra No. 5001 which, as per the revenue record, is in the name of Municipal Corporation and is described as common land.

Counsel for the petitioners further submits that even in the proceedings before the Financial Commissioner Revenue Punjab, Chandigarh, a finding has been recorded vide order dated 25.09.2009 that one Bakshi Ram, who sold the land in the area where the disputed land is situated, on the basis of fake attorney, all the mutations so sanctioned with regard to the disputed land owned by the Improvement Trust be cancelled. Counsel for the petitioners further submits that now a colony has been carved out by the Improvement Trust and the common passages vest with the Municipal Corporation. Counsel for the petitioners further submits that the FIR was registered after a delay of 07 days from the date of alleged offence and no details of stolen property is mentioned in the FIR...”

Learned counsel for the petitioners submits that a period of more than 01 year has lapsed and in pursuance of the aforesaid order, petitioners have joined the investigation number of times and have not misused the concession

of interim anticipatory bail.

Learned State counsel, on instructions from the Investigating Officer, has not disputed the factual position, however, submits that the petitioners are involved in some other FIRs.

In reply, learned counsel for the petitioners submits that in three FIRs, the petitioners stand acquitted and in the present FIR, a civil litigation is already pending.

Learned counsel for the complainant has, however, submitted that since the allegations are that the petitioners had taken away material lying at the spot worth Rs.2.00 lacs, they may be directed to furnish some surety.

In view of the above, this petition is allowed and the interim bail granted to the petitioners vide order dated 11.06.2018 is made absolute subject to the conditions envisaged under Section 438 (2) Cr.P.C. and on deposit of an amount of Rs.1.00 lac with the trial Court within a period of one month from today, which shall be kept by way of FDR subject to final outcome of the case.

[ARVIND SINGH SANGWAN]
JUDGE

07.11.2019
vishnu

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No