

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

CRM-M-55669-2018

Date of decision:09.01.2019

Kulwant Singh alias Moti Bhatia

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr. Abhishek Sanghi, Advocate
for the petitioner.

Ms. Simranjeet Kaur, AAG, Punjab.

GURVINDER SINGH GILL, J. (ORAL)

1. The petitioner seeks grant of regular bail in case registered vide FIR No.80 dated 30.11.2018 under Sections 379-B, 353, 186, 204 read with Section 34 of Indian Penal Code, 1860 registered at Police Station Kahnuwan, Gurdaspur.
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 the FIR is politically motivated as Panchayat Elections were around the corner and the petitioner being Vice-President of the Market Committee and also politically active has been falsely implicated.
4. Learned State counsel on the other hand has submitted that in view of the specific and categoric allegations, no case for grant of bail is made out.
5. Having considered rival contentions addressed before this Court and bearing in mind that the petitioner has been behind bars since last more than one month, in my opinion, no fruitful purpose would be served by further detaining the petitioner behind bars. Accordingly, petitioner is

ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

6. This petition stands accepted accordingly.

09.01.2019
Gaurav Sorot

(GURVINDER SINGH GILL)
JUDGE

Whether reasoned / speaking? **Yes / No**

Whether reportable? **Yes / No**