

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

202-A

CRM-M-384-2020

Date of decision: 02.03.2020

Kulbir Singh

.....Petitioner

Versus

State of Punjab and others

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Chandan Singh, Advocate
for Mr. Amit Jhanji, Advocate
for the petitioner.

Mr. Sandeep Singh Deol, D.A.G., Punjab
for the respondent No. 1-State.

Mr. Barjinder Singh, Advocate
for respondents No. 2 and 3

ARUN KUMAR TYAGI, J (ORAL)

Prayer in the petition filed under Section 438 of the Code of Criminal Procedure, 1973 (for short, "Cr.P.C") is for grant of anticipatory bail to the petitioner in case FIR No.0103 dated 19.11.2019 registered under Sections 379, 447 read with Section 120-B of the Indian Penal Code, 1860 at Police Station Kheri Gandain, District Patiala.

Gurmeet Kaur wife of Jagir Singh and Meena Rani wife of Paramjit Singh made written complaint to S.S.P., Patiala against Kulbir Singh, Kanwaljeet Singh, Satnam Singh and other unknown persons alleging that Parkash Kaur with the consent of accused Kulbir Singh sold land measuring 4 bighas to Nirpal Singh and others vide two sale deeds. Gurmeet Kaur and Meena Rani had purchased a plot no. 36 measuring 300 square yards from Nirpal Singh vide sale deed no. 6986 dated 21.11.2011. After purchasing the plot they filled the earth. Accused Kulbir Singh and Kanwaljeet Singh used to stop them from entering into the said plot. They filed suit for permanent injunction against the accused. On 14.07.2019 at about 10.00 A.M. Jagir Singh

received phone call that the accused were cultivating the land by trespassing on the same. When they (Gurmeet Kaur, her husband Jagir Singh, Meena Rani and her husband Paramjit Singh) went to the spot accused Kanwaljeet Singh and Kulbir Singh started abusing them, threatened to kill them and being armed with *dandas* chased them for causing injuries to them. After preliminary enquiry the above said FIR was registered. Apprehending his arrest, accused Kulbir Singh has filed the present petition for grant of anticipatory bail.

While issuing notice of motion on 09.01.2020, this Court had granted the interim anticipatory bail to the petitioner with direction to join the investigation.

Learned State Counsel has appeared on behalf of the respondent-State and has opposed the petition. However, no reply has been filed on behalf of the respondent-State.

I have heard learned Counsel for the petitioner as well as learned State counsel and have gone through the record.

Learned Counsel for the petitioner has submitted that the petitioner along with his co-sharers has sold share in the joint land to Nirpal Singh, Arun Singla and Lekh Ram Aggarwal vide sale deeds No.6411 and 6412 dated 01.11.2011. Complainants-Gurmeet Kaur and Meena Rani allegedly purchased plot No.36 from Nirpal Singh vide sale deed No.6986 dated 21.11.2011. As per affidavit dated 01.11.2011 Nirpal Singh, Arun Singla and Lek Ram Aggarwal had taken possession of land behind Khasra No.58(6-5). The complainants being purchasers of a share are not in exclusive possession of the land in question and have the remedy of seeking partition. No offence is made out against the petitioner. Further, the parties have compromised the matter vide compromise deed dated 26.02.2020, copy of which is Annexure A-1. The petitioner has joined the investigation. His custodial interrogation is not required for effecting any recovery.

Learned State counsel has submitted that in view of the allegations made, the petitioner does not deserve anticipatory bail. No compromise has been submitted to the police.

However, learned State counsel has acknowledged that in

compliance with order dated 09.01.2020 passed by this Court the petitioner has joined the investigation and submitted that his custodial interrogation is not required for effecting any recovery.

In view of the facts and circumstances of the case, nature of accusation, compromise between the parties and the fact that the custodial interrogation of the petitioner is not required in the case but without expressing any opinion on the merits of the case, I am of the considered view that the petitioner deserves the grant of anticipatory bail.

Therefore, the petition is allowed and order dated 09.01.2020 granting interim bail to the petitioner is made absolute. However, the petitioner shall join the investigation again if and as and when called upon to do so and shall abide by the conditions enumerated in Section 438 (2) of the Cr.P.C., failing which the protection of anticipatory bail order shall not be available to him.

02.03.2020

kavneet singh

(ARUN KUMAR TYAGI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No