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

CRM-M-13592 of 2020
Date of decision : 14.08.2020

Gurtej Singh and others

.....Petitioners

Vs.

State of Punjab

.....Respondent

CRM-M-14913 of 2020

Jarnail Singh

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM: Hon'ble Mr. Justice G.S. Sandhawalia

Present:- Mr. Ramandeep, Advocate for the petitioner(s)
(in both the petitions)

Mr. Hitten Nehra, Addl. AG, Punjab.

(The proceedings have been conducted through Video
conferencing as per instructions.)

G.S. Sandhawalia, J. (Oral)

This order shall dispose of CRM-M-13592 of 2020 filed by Gurtej Singh, Baljeet Singh and Pardeep Singh and CRM-M-14913 of 2020 filed Jarnail Singh under Section 438 Cr.P.C. for grant of anticipatory bail in FIR No.29 dated 8.5.2020 under Section 323, 324, 341, 452, 427, 506, 148, 149, 188 IPC, 1860 and Section 51 of Disaster Management Act, 2005 registered at Police Station Bakhshiwala, District Patiala, Punjab.

Vide order dated 2.6.2020, this Court while granting interim anticipatory bail in CRM-M-13592 of 2020 passed the following order:-

“The matter has been taken up by way of Video Conferencing in view of COVID-19 situation, as per instructions issued.

Inter alia contends that the petitioner No.1 is the brother of the complainant Mukhtiar Singh and petitioner No.2 is the son of petitioner No.1. Petitioner No.3 is son of Jarnail Singh, another brother of the complainant. The injuries upon the complainant are not grievous and only Section 452 is the non-bailable offence. It is

submitted that compromise has been effected inter se parties on 22.05.2020 (Annexure P-2) after the dismissal of the anticipatory bail application by the Additional Sessions Judge, Patiala on 21.05.2020 (Annexure P-3). It is further submitted that co-accused Balwinder Singh has been released on regular bail by the Chief Judicial Magistrate, Patiala.

Notice of motion.

Mr. Suvir Sheokand, Addl. AG, Punjab accepts notice on behalf of the respondent/State and prays for time to confirm the factum of compromise and also the medical regarding the nature of injuries as such.

List on 14.08.2020

In the meantime, it is directed that the petitioners shall join investigation and in the event of arrest of the petitioners, they shall be released on ad-interim bail by the investigating officer. The petitioners shall join investigation as and when required and shall comply with the conditions laid down in Section 438 (2) Cr.P.C.”

Vide order dated 12.6.2020, a Coordinate Bench while granting interim anticipatory bail in CRM-M-14913 of 2020 passed the following order:-

“The case has been taken up for hearing through video conferencing. The petitioner has filed this petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail in case FIR No. 29 dated 08.05.2020 registered under Sections 323, 324, 341, 452, 427, 506, 148 and 188 read with Section 149 of the Indian Penal Code, 1860 and Section 51 of the Disaster Management Act, 2005 at Police Station Bakhshiwal, District Patiala.

Learned Counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case lodged by his brother Mukhtiar Singh just to pressurize the petitioner and other coaccused to not to file application for partition of the joint land. The complainant has tried to convert the civil dispute into a criminal one by getting the above said false and frivolous FIR registered against the petitioner. Now with the intervention of the respectables of the village and the relatives, the matter has also been amicably resolved. Co-accused have also been granted interim anticipatory bail by this

Court vide order dated 02.06.2020.

Notice of motion.

Mr. Amit Mehta, Sr. DAG, Punjab has accepted notice on behalf of the respondent-State. Copy of the paper book has already been supplied to learned State Counsel by the Registry.

Learned State Counsel seeks time to file reply.

Adjourned to 14.08.2020.

To be heard with CRM-M-13592-2020 on that date.

In the meanwhile, the petitioner is directed to join the investigation as and when called upon to do so. In the event of his arrest, the petitioner shall be released on interim bail by the arresting officer/investigating officer on furnishing of bail bonds by him to the satisfaction of the arresting officer/investigating officer. The petitioner shall comply with the conditions enumerated under Section 438(2) of the Cr.P.C. failing which he shall not be entitled to the protection of interim bail allowed to him.”

Counsel for the State on instructions from ASI Harbhajan Singh submits that all the petitioners have joined investigation but the Investigating Officer has submitted that certain recoveries have to be effected from Gurtej Singh, Baljeet Singh and Jarnail Singh. It is also fairly conceded by the counsel for the State that there is no other criminal case as such pending against the petitioners.

Keeping in view of the fact that the dispute as such has arisen within the family members, this Court is of the opinion that interim orders dated 2.6.2020 and 12.6.2020 are liable to be confirmed.

Ordered accordingly.

Both the Criminal Misc. Petitions stand disposed of accordingly.

14.08.2020
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(G.S. Sandhawalia)
Judge