

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

202

CRM-M-15274-2020
Date of decision : 09.09.2020

DIDAR SINGH AND ANOTHERPetitioner

Versus

STATE OF PUNJAB AND ANOTHERRespondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Prabhjeet Singh Sullar, Advocate
for the petitioners.

Mr. Harbir Sandhu, Asstt. A.G., Punjab
for the respondent-State.

ARUN KUMAR TYAGI, J (ORAL)

(The case has been taken up for hearing through video conferencing.)

The petitioners have filed the present (first) petition under Section 438 of the Code of Criminal Procedure, 1973 (for short, 'the Cr.P.C') for grant of anticipatory bail in case FIR No. 72 dated 02.06.2020 registered under Section 379 of the Indian Penal Code, 1860 at Police Station Sadar Rupnagar, District Rupnagar.

The above said FIR was registered on complaint of the Punjab Waqf Board on the allegations that during the lockdown period, the petitioners had illegally reaped the wheat crop from the land in question owned by it which had been leased out by it in favour of Abbas and Umar Ansari sons of Mukhtiar Ansari.

While issuing notice of motion on 16.06.2020, this Court had granted interim anticipatory bail to the petitioners with direction to join the investigation.

The petition has been opposed by learned State Counsel in terms of reply filed by way of affidavit of Talwinder Singh Gill, PPS, Deputy Superintendent of Police, Sub-Division Rupnagar, District Rupnagar, Punjab, which has been sent by learned State Counsel through e-mail, print out of which is taken on record.

Vide order dated 16.06.2020, the complainant was ordered to be impleaded as respondent No. 2 and notice was ordered to be issued to the complainant. As per office report, respondent No. 2 has been duly served but none has appeared on its behalf.

I have heard learned Counsel for the petitioners and learned State Counsel and have gone through the record.

Learned Counsel for the petitioners have submitted that the petitioners have been falsely implicated in the present case at the behest of the complainant on the basis of vindictiveness due to civil dispute. The petitioners were in possession of the land in question at the relevant time and had sown the wheat crop. The petitioners reaped the wheat crop from the land in dispute and thereafter possession of the land in dispute was handed over to Abbas Ansari and Umar Ansari under lease by the Punjab Waqf Board. The petitioners have joined the investigation and their custodial interrogation is not required.

Learned State Counsel has submitted that in compliance with order dated 16.06.2020 passed by this Court, the petitioners have joined the investigation and that their custodial interrogation is not required.

In view of the facts and circumstances of the case, nature of accusation against the petitioners and the fact that their custodial interrogation is not required in the present case but without expressing any opinion on the merits of the case, I am of the considered view that the petitioners deserve the grant of anticipatory bail.

Accordingly, the petition is allowed and order dated 16.06.2020 granting interim bail to the petitioners is made absolute. However, the petitioners shall join the investigation if and as and when again 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 them.

09.09.2020

kavneet singh

(ARUN KUMAR TYAGI)
JUDGE

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