

CRM-M-17860-2020(O&M) 1

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-17860-2020(O&M)

Date of decision: 06.08.2020

Rakesh Kumar and others

.....Petitioners

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. J.S.Dadwal, Advocate for the petitioners

Mr. V.G.Jauhar, Sr. DAG, Punjab

ANIL KSHETARPAL, J. (ORAL)

On 8.7.2020, the following order was passed by this
Court:-

“The petitioners pray for grant of pre-arrest bail in a criminal case arising from FIR No.40 dated 23.05.2020 registered under Section 447, 511, 506, 427, 379, 148, 149 IPC at Police Station Kathgarh, District Shaheed Bhagat Singh Nagar.

In a nutshell, the case of the prosecution has been noticed by the learned Additional Sessions Judge, Shaheed Bhagat Singh Nagar in para 2, which is extracted as under:-

“2. The brief facts of the case are that the present FIR has been registered against the applicants and

other co-accused on the basis of the statement of Krishan Chand with the allegations that his father Sita Ram purchased about 4 kanals of land in which they planted Dek & Sareen trees about 5 years ago. On 4.11.2019 at about 8.00 AM, three persons were cutting the trees planted in his land. When he, his father and brother tried to stop them from cutting the trees, accused Paramjit Kumar, Ram Kumar and Rakesh Kumar cut many trees planted by them whereas Satnam Singh , Harbilas were digging the foundation in their land and land of Hari Ram adjacent to their land. Asha Rani w/o Paramjit Kumar and Jaswinder Kaur w/o Ram Kumar also came there and stated that the land belongs to them and they will take possession of the land after raising boundary wall and removing the trees out of it. These persons took away Dek & Sareen trees planted by them and threatened to kill him and his family members. Now apprehending their arrest, applicants

Rakesh Kumar, Satnam @ Satnam Singh & Harbilas. filed the present bail application U/S 438 Cr.P.C.”

Learned counsel for the petitioner contends that in fact sister of petitioner no.2 and 3 had lodged a complaint against the first informant and his family members on 4.11.2019 as they used to discharge sewerage water in front of the house of their sister. He further submits that the petitioners have been falsely implicated.

Sh. Amandeep Saini, Advocate puts in appearance on behalf of the first informant and opposes the prayer.

Notice of motion.

On the request of the Court, Mr. Amit Mehta, Sr. DAG, Punjab accepts notice on behalf of the State of Punjab and prays for time to seek instructions.

Adjourned to 6.8.2020.

Keeping in view the facts of the case, this Court is of the considered view that let the petitioners join investigation.

In the meantime, in the event of arrest, the petitioners shall be released on interim bail subject to furnishing personal bonds and surety to the

satisfaction of Arresting/Investigating Officer.
However, the petitioners shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.”

Learned State counsel on instructions from ASI Raj Kumar has submitted that the petitioners have joined the investigation, cooperated and are not required for further custodial interrogation.

In view of the above, the order dated 8.7.2020 is hereby made absolute.

Petition stands allowed.

06.08.2020	(ANIL KSHETARPAL)
rekha	JUDGE
Whether speaking/reasoned	Yes / No
Whether Reportable	Yes / No