

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM No. M-19879 OF 2020 (O&M)
Date of decision : July 22, 2020

Sawinder Singh

....Petitioner

versus

State of Punjab

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. Ritesh Pandey, Advocate, for the petitioner

Mr. SPS Tinna, Addl. AG Punjab for the State

Fateh Deep Singh, J. (Oral)

The matter has been taken up through Video-conferencing on account of outbreak of pandemic COVID-19

Petitioner Sawinder Singh has come up in this first anticipatory bail in case FIR No. 65 dated 7.7.2020 under Sections 354-B, 323, 447, 511, 34 IPC, Police Station Fatehgarh Churian, District Gurdaspur got registered by complainant Lakhmi wife of Surian Singh. The complainant has alleged that they were having land dispute with the accused side, demarcation of which has been

got done and that on 2.7.2020 around 7.30 AM, the petitioner along with others non-applicants came on a tractor and tried to take forcible possession of the land. The complainant tried to stop them on which they assaulted her and tore off her clothes.

Learned counsel for the petitioner contends that the parties have a history of civil litigation and has drawn attention of the Court to Annexure P/2 civil suit filed by the petitioner against son of the complainant namely Buta Singh including police officials for using illegal force to grab the property of the petitioner and has further taken support from agreement Annexure P/3 regarding mortgaging of the land by the complainant side in favour of the petitioner's family and that nothing is to be recovered and it is a no injury case.

Learned State counsel on instructions from ASI Nand Lal though did not displace the submissions canvassed by the side of the petitioner but has opposed grant of bail on the ground that the petitioner is instrumental in outraging the modesty of the complainant, a lady.

Going through the submissions, admittedly the parties have a history of civil dispute over land. It is a no injury case and thus joining of the petitioner in the investigations would suffice the

purpose.

In view of the aforesaid, the present petition is allowed.

In the event of arrest, the petitioner shall be released on interim bail to the satisfaction of arresting/investigating officer till submission of report under section 173 Cr.P.C. (challan). The petitioner shall, however, join the investigation as and when called for and shall also abide by the conditions specified under section 438 (2) Cr.P.C. Thereafter, on presentation of challan, the petitioner will be permitted to furnish regular bail bonds to the satisfaction of the trial Court. Presently, the petitioner is directed to join investigation within 15 days.

The present petition stands disposed of.

July 22, 2020
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(Fateh Deep Singh)
Judge

Whether speaking/reasoned ?
Whether Reportable ?

Yes/No
Yes/No