

In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. M- 20559 of 2020

Date of Decision: 18.09. 2020

Kulbir Singh

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Kamalpreet Bawa, Advocate
for the petitioner(s).

Mr. Dhruv Dyal, Deputy Advocate
General, Punjab for the respondent.

Anil Kshetarpal, J.

On 27.07.2020, the following order was passed:

“The petitioner prays for grant of pre-arrest bail in a criminal case arising in FIR No. 241 dated 14.11.2019, registered under Section 336, 325, 323, 427 & 34 I PC and Section 25 & 27 of the Arms Act, 1959, at Police Station Dharamkot, District Moga.

The brief facts of the case have been noticed by the learned Additional Sessions Judge, Moga which is extracted as under:-

“Present FIR has been lodged by Sukhwant Singh serving as Supervisor with Prime Vision Industries. Said Company is engaged in mining of sand from Government approved queries including

query owned by Kuldeep Singh. On 14.11. 2019 at about 2.15 p.m. complainant was sitting in his office. A Verna car bearing No.PB-29/G-0010 driven by applicant-accused Kulbir Singh sarpanch along with another black colored Scorpio vehicle without Registration plate and another white colored Bolero vehicle bearing No. PB-10/Y-0071 came there. Harbans Singh, Amandeep Singh @ Ghona, Gurjit Singh, Manjinder Singh @ Raju and Surjit Singh at once alighted from different vehicles. Applicant-accused Kulbir Singh was armed with pistol. Co-accused Gurjit Singh was also armed with pistol. Manjinder Singh @ Raju was armed with rod. Amandeep Singh @ Ghona was armed with kapa. Surjit Singh was armed with kirch, Harbans Singh and 7-8 other unidentified persons were also armed with different kind of weapons. All these persons moved towards employees present there.

Applicant-accused Kulbir Singh raised lalkara to teach a lesson for operating sand query. Applicant-accused Kulbir Singh & Gurjit Singh fired at complainant and other employees with intention to kill them. Other persons damaged two

JCB machines, three pump lines and window panes and lights of Bolero vehicle. They also damaged computer, table & chairs. They also gave severe beatings to employees of Company namely Rajinder Benipal @ Raju, Mukesh Sharma and Prabhjot Singh. While leaving they took away a sum of Rs.1,25,000/- lying in the bag being collection for the sold sand. Motive for the occurrence is that accused persons wanted to carry-out illegal sand mining business after sending away complainant and others from the area. They had accordingly threatened, intimidated and given beatings. Sand query in question had been allotted to Kuldeep Singh son of Joginder Singh by the Director, Mining, Industries and Commerce, Punjab vide letter No.GLG/ 5/G-1/300/2015/1283-B dated 11.02.2016. Accordingly agreement was executed by said department in favour of Kuldeep Singh for mining in impugned land for being the highest bidder for a sum of Rs.1,85,65,904/- per annum. Mining contract was for a period of five years and was to expire on 10.02.201. Now applicant-accused Kulbir Singh claims to have purchased land measuring 98 kanals from co-owners”.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case as someone from his group had already filed a civil suit in which the order of status quo was passed on 08.11.2019. He contends that the adjoining land is owned by the persons belonging to the group of the petitioner and the mining is being carried out by including certain portion of the privately owned land. Learned counsel further submits that the co-accused has also filed petition i.e. Criminal Misc. No. M-154-2020 for grant of pre-arrest bail, which is listed for hearing on 18.09.2020.

Notice of motion.

On the request of this Court, Mr. Dhruv Dyal, Deputy Advocate General, Punjab accepts notice on behalf of the respondent.

In the event of his arrest, the petitioner be released on interim pre-arrest bail on his furnishing personal bonds and surety bonds to the satisfaction of the Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so. The petitioner shall also abide by the conditions as envisaged in Section 438(2) Cr.P.C.

List on 18.09.2020 along with the connected case i.e. Criminal Misc. No. M-154-2020”.

Mr. Dhruv Dyal, Deputy Advocate General, Punjab, on the instructions from Sub Inspector Lakhwinder Singh, has submitted that the petitioner has joined investigation, however, the fire arm, alleged to be in the

possession of the petitioner, is yet to be recovered.

On the other hand, learned counsel for the petitioner has pointed out that the offences under Section 307 and 392 IPC have been deleted. Learned State counsel does not dispute that fact. Still further, Gurjit Singh (co-accused) has been found innocent by the police.

Keeping in view the aforesaid facts, the present petition is allowed and interim pre-arrest bail granted to the petitioner by this Court on 27.07.2020 is made absolute.

(Anil Kshetarpal)
Judge

September 18, 2020
“DK”

Whether speaking/reasoned :Yes/No

Whether reportable : Yes/No