

CRM-M-20606-2020

Date of decision: 28.07.2020

Sukhraj Singh and another

....Petitioners

versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH**Present:** Mr. Ritesh Pandey, Advocate
for the petitioner.**FATEH DEEP SINGH, J.(ORAL)**

Due to the outbreak of pandemic COVID-19, the instant case is being taken up for hearing through video conferencing.

Notice of motion to official respondent-State.

Mr. H.S. Sullar, Senior DAG, Punjab puts in appearance and accepts notice on behalf of the official respondent-State. Copy of paper book be supplied during the course of the day.

The petitioners-Sukhraj Singh and Lovedeep Singh @ Lovepreet Singh have sought this first anticipatory bail under Section 438 Cr.P.C. in a case bearing FIR No.65 dated 07.07.2020 under Sections 354-B, 323, 447, 511, 34 of the Indian Penal Code registered at Police Station Fatehgarh Churian Tehsil Batala, District Batala.

The present case was got registered by complainant-Laxhmi alleging that the complainant and the accused side were having land dispute and on 02.07.2020 at around 07:30 AM, the accused party entering the petitioner's place and tried to take the possession of the land and when complainant stopped them, the accused assaulted her.

Learned counsel for the petitioner *inter alia* contends that co-accused of the petitioners, namely, Sawinder Singh, who is similarly placed was allowed anticipatory bail by this Court vide order dated 22.07.2020 (Annexure P-2) and the case of the petitioners is not distinguishable from that of the co-accused and that nothing is to be recovered from the petitioners.

The learned State counsel with all fairness concedes the factual position but has opposed the grant of bail on the ground that the accused has assaulted the complainant who is a lady and outraged her modesty.

Going through the submissions, admittedly, the parties have a history of land dispute. Co-accused of the petitioners has been allowed anticipatory bail by this Court and in view of the principle of parity and the fact that nothing is to be recovered from the petitioners, it would be travesty of justice to send the petitioners in custody and their joining investigation would suffice the purpose.

Accordingly, the petitioners are directed to appear before the investigating officer/Magistrate within a period of 15 days from

the date of receipt of certified copy of this order and on their doing so, they shall be released on bail to the satisfaction of the arresting/investigating officer till submission of report under Section 173 Cr.P.C. (challan). The petitioners shall continue to join investigation and shall furnish an undertaking that they shall abide by the conditions specified under Section 438 (2) Cr.P.C. Thereafter, they will be permitted to furnish regular bail bonds to the satisfaction of the trial Court.

The petition stands disposed off accordingly.

28.07.2020
Neha

(FATEH DEEP SINGH)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No