

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.25312 of 2019 (O&M)
Date of Decision: February 25, 2020

Lachman Singh & others

...Petitioners

Versus

State of U.T.Chandigarh

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. P.S.Grewal, Advocate,
for the petitioners.

Mr. Sumit Jain, AAP for U.T.Chandigarh.

Mr.Deepak Singh Saini, Advocate,
for the complainant.

MANOJ BAJAJ, J.(Oral)

This petition has been filed by the petitioners under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No.49 dated 22.03.2019, under Sections 420 and 120-B IPC, registered at Police Station, Mauli Jagran, Chandigarh. The petitioners apprehended their arrest at the hands of police in the above FIR.

Learned counsel for the petitioners has invited the attention of the Court to the order dated 30.05.2019, whereby while issuing notice of motion to the respondent-State, the interim protection was extended to the petitioners. The said order reads as under:-

“CRM-18272-2019

Application is allowed as prayed for.

Main case

Learned counsel for the petitioners contends that the FIR is founded on the allegations that shamlat land belonging to the Panchayat has been illegally sold by the petitioners. The attention of the Court is invited to Annexure P-5 wherein it is contended that mutation of the land stands in the name of the petitioners and some part of it was compulsorily acquired and compensation was paid to the petitioners. According to him in the facts, custodial interrogation of the petitioners may not be necessary.

Notice of motion for 04.11.2019.

Meanwhile, the petitioners shall join the investigation and would come present as and when called for and in the event of arrest, the petitioners shall be admitted to interim bail on their furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioners shall also abide by the conditions as specified under Section 438(2) Cr.P.C.”

Learned counsel for the petitioners states that the petitioners have joined the investigation, however, this fact is disputed by Mr.Sumit Jain, learned APP appearing for the U.T.Chandigarh, who is assisted by SI Ramesh Chand. He states that the petitioners have not joined the investigation so far. On merits, it is not disputed by the learned counsel for U.T.Chandigarh that the petitioners are proprietors in the land in question.

After hearing the learned counsel for the parties, this Court is not inclined to adjourn the case for the purposes of joining the investigation as the case of the prosecution is founded on documentary material and, therefore, the custodial interrogation of the petitioners may not be necessary.

In view of the above, the petition is allowed and the interim bail granted by this Court vide order dated 30.05.2019 is made absolute. It

is further directed that the petitioner shall join the investigation as and when called for by the Investigating Officer.

February 25, 2020
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No