

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M No.31428-2020

Date of Decision: November 06, 2020

Raj Kumar @ Kala Patwari & another

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: None for the petitioners.

Mr. Manreet Singh Nagra, AAG, Punjab.

Ms. Asmeena Singh, 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.126 dated 09.08.2020, under Sections 306 and 34 IPC, 1860, registered at Police Station, Lambra, District Jalandhar Rural. The petitioners apprehended their arrest at the hands of police in the above FIR.

On 07.10.2020, the following order was passed:-

“The case has been taken up for hearing through video conferencing.

The petitioners-Raj Kumar alias Kala Patwari and Nirmal Dass have filed present (first) petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail in case FIR No.126 dated 09.08.2020 registered under Sections 306 read with Section 34 of the

Indian Penal Code, 1860 at Police Station Lambra, District Jalandhar Rural.

Learned Counsel for the petitioners has submitted that the petitioners have committed no offence whatsoever and have been falsely implicated in the case. In the FIR three versions have been given by the complainant. There is no allegation in the FIR that the petitioners ever abetted the deceased Manish Gupta to commit suicide. There were transactions of sale deeds executed by Hemant Rai in favour of the deceased in 2019. The petitioners had no role to play in the transactions between Hemant Rai and the deceased. The complainant has alleged that possession of the land sold was not given to the deceased. The deceased could have filed civil suit for obtaining possession of the land transferred by way of sale deed executed in his favour. The petitioners were neither executant nor witnesses of the sale deed. The FIR has been registered while naming the petitioners with the sole motive to harass and humiliate the petitioners. Co-accused-Gurnam alias Gama and Jaswant Rai @ Makhan have already been granted interim anticipatory bail by this court vide orders dated 18.09.2020. The petitioners are ready to join the investigation and their custodial interrogation is not required for effecting any recovery.

Notice of motion.

Pursuant to supply of advance copy, Mr. Amit Mehta, Sr. DAG, Punjab has appeared and accepted notice on behalf of the respondent-State.

In the facts and circumstances of the case presence of the complainant is considered to be necessary for just and proper decision of the petition and on oral request made by learned Counsel for the petitioner, complainant is ordered to be impleaded as respondent No.2. Memo of Parties be amended accordingly.

Learned State Counsel has submitted that possession was not given to the deceased despite execution of sale deed

dated 25.10.2019 by Hemant Rai in his favour. The petitioners alongwith their co-accused went to shop of the deceased on 08.08.2019 and threatened the deceased with dire consequences and threatened to implicate him in false cases. However, learned State Counsel seeks time to file detailed reply.

Adjourned to 06.11.2020.

Notice to newly added respondent No.2 be issued for that date and be also given dasti, if so desired. Reply alongwith relevant documents be filed by the respondent No.1-State in the Registry before that date.

In the meanwhile, the petitioners are directed to join the investigation as and when called upon to do so. In the event of their arrest, the petitioners shall be released on interim bail by the arresting officer/investigating officer on furnishing of bail bonds by them to the satisfaction of the arresting officer/investigating officer. The petitioners shall comply with the conditions enumerated under Section 438(2) of the Cr.P.C. failing which they shall not be entitled to the protection of interim bail allowed to them.”

Learned State counsel, on instructions from ASI Manjit Singh, contends that in deference to the said order, the petitioners submitted themselves before the police and joined the investigation. He further states that the petitioners are not required for custodial interrogation for the time being.

Though on 07.10.2020, the complainant was impleaded as respondent No.2, but the notice could not be issued to him as no process fee was deposited.

Considering the stand of the learned State counsel, this Court does not deem it appropriate to adjourn this case only to serve respondent No.2, who is otherwise represented by the State.

The petition is allowed and the interim bail granted by this Court vide order dated 07.10.2020 is made absolute.

November 06, 2020
ramesh

(MANOJ BAJAJ)
JUDGE

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