

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

203/2

CRM-M-31855 of 2020  
Date of Decision:02.11.2020

Sawinder Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CRM-M-33237 of 2020

Sukhbir Singh and others

..... Petitioners

Versus

State of Punjab

..... Respondent

**CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH**

Present: Mr. Jatinder Singh Gill, Advocate,  
for the petitioners.

Mr. Rana Harjasdeep Singh, DAG, Punjab.

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**AMOL RATTAN SINGH, J. (ORAL)**

All cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the COVID-19 pandemic.

On 09.10.2020, the following order had been passed in one of these petitions, i.e. CRM-M-31855 of 2020, (after which, following the reasoning given in the same order, an interim order was also passed in favour of the petitioner in CRM-M-33237 of 2020 on 16.10.2020):-

**CRM-M-31855 of 2020**

*“All cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the Covid-19 pandemic.*

*By this petition, the petitioner seeks the concession of anticipatory bail, upon FIR no.157, dated 18.9.2020, having been registered at Police Station Dera Baba Nanak, District Gurdaspur, alleging therein the commission of offences punishable under Sections 379/447/511/506/148/149 of the IPC.*

*Learned counsel for the petitioner submits that the land in question actually belongs to the petitioner and his family, with it having been purchased vide a duly registered sale deed dated 23.11.1994 and consequently, the petitioner and his family cannot be accused of stealing anything from the complainant.*

*He also refers to a civil suit stated to have been instituted by the brother of the petitioner on 24.4.2020 (copy Annexure P-3), in which interim injunction is shown to have been granted to the plaintiff therein.*

*Notice of motion.*

*Mr.Avtar Singh Sandhu, learned Addl.AG, Punjab, accepts notice at the asking of the court.*

*He submits that as per his instructions, in fact the petitioner and his family were ordered to be evicted from the said land vide an order passed on 12.6.2019 and therefore the order of the civil court, of April 2020, only being one directing that they be not dispossessed except in due course of law, would not affect their dispossession as per law.*

*Learned counsel for the petitioner on the other hand submits that the petitioner was never joined any such eviction proceedings.*

*Without making any comment at this stage on the contentions raised, the petitioner is directed to join investigation and upon him so joining if he is sought to be arrested, he shall be released on bail, on his furnishing adequate bail and surety bonds to the satisfaction of the arresting officer/Ilaqa Magistrate.*

*He shall also comply with all conditions stipulated in Section 438(2) of the Cr.P.C.*

*If the investigating officer does not actually join the petitioner in investigation, he would appear before the learned Ilaqa Magistrate*

*immediately, who would then summon the arresting officer and direct him to join him in investigation, in terms of the order of this court.*

*A gazetted officer is directed to file a reply to the petition, annexing therewith all eviction proceedings, including any showing the petitioner or his family joining any such proceedings, with it also to be stated as to whether it was the petitioner and his family that had sown the crop in question, or it was the complainant who had sown the crop.*

*Adjourned to 2.11.2020.”*

Today, learned State counsel, on instructions from ASI Iqbal Singh, submits that the petitioners in both these petitions have joined investigation and presently at least their custodial interrogation is not required.

That being so, without making any comment on the actual merits of the case, whatsoever, since the investigating agency itself does not require the custodial interrogation of the petitioners, these petitions have in fact rendered infructuous and is disposed of as such.

However, if the petitioners' custodial interrogation is required at any stage hereinafter, in the context of the FIR in question, they would be given 7 days notice before arrest, duly shown to be served upon them.

Naturally, if the complainant is aggrieved in any manner, of lack of proper investigation, he/she would be always at liberty to avail of his/her remedy as per law.

A copy of this order be placed on the file of the other connected matter too.

**November 02, 2020**

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Whether speaking/reasoned  
Whether Reportable

**(AMOL RATTAN SINGH)**

**JUDGE**

Yes  
No