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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No. 34416 of 2020 (O&M)
Decided on: 03.11.2020

Santokh Singh and others

....Petitioners

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Aayush Gupta, Advocate
for the petitioners.

Mr. S.P.S. Tinna, Addl. A.G., Punjab.

Mr. M.S. Sidhu, Advocate for the complainant.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioners pray for grant of anticipatory bail in FIR No. 0080 dated 30.04.2020, registered under Sections 379, 427, 447, 511, 188, 149 IPC at Police Station Koom Kalan, District Police Commissionerate, Ludhiana.

Counsel for the petitioners has submitted that during the pendency of the anticipatory bail application before the Court of Sessions, they were granted interim bail and they have joined the investigation, however, later on, their anticipatory bail was dismissed on the premise that 45 quintals of wheat was not recovered. It is further submitted that the petitioners, in pursuance to the earlier order dated 29.10.2020, have again joined the investigation. The operative part of the said order reads as under:-

“Learned counsel for the petitioners submits that the present FIR is a counter-blast to the FIR No.91 dated

CASE HEARD THROUGH VIDEO CONFERENCING

13.06.2020 under Sections 420, 120-B IPC, Police Station Dakha, District Ludhiana Rural registered at the behest of Harbans Kaur. Moreover, there is already a civil dispute between Harbans Kaur (who is aunt of Santokh Singh & Balvir Singh) and Manjinder Singh and Manjit Kaur. He further submits that Harbans Kaur is in possession of the suit land and the petitioners are merely helping Harbans Kaur in the maintenance of the land in dispute.

Notice of motion.

At this stage, Mr. Bhupender Beniwal, A.A.G., Punjab, accepts notice on behalf of the respondent-State.

Adjourned to 03.11.2020.

Till next date of hearing, arrest of the petitioners shall remain stayed.”

Counsel for the petitioners has further submitted that previously there are civil and criminal litigation between the parties and the matter is to be finally adjudicated upon by the Civil Court regarding the possession of the land. Counsel for the petitioners has further argued that he has the instructions to say that the petitioners will deposit a sum of Rs.50,000/- with the Illaqa Magistrate/trial Court, without prejudice to their right of defence, subject to final outcome of the case.

Counsel for the State assisted by counsel for the complainant could not dispute the factual position but opposed the prayer for bail. It is also not disputed that the petitioners have joined the investigation.

In view of the above, this petition is allowed and the interim bail granted to the petitioners vide order dated 29.10.2020 is made absolute subject to the conditions envisaged under Section 438(2)

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Cr.P.C.

It will be open for the Investigating Officer to summon the petitioners as and when they are required for any further investigation, by issuing an advance notice in writing.

The petitioners will also deposit the sum of Rs.50,000/- with the Illaqa Magistrate/trial Court, which will be kept in an FDRs, without prejudice to their right of defence, subject to final outcome of the case.

(ARVIND SINGH SANGWAN)
JUDGE

03.11.2020

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Whether speaking/reasoned

Yes/No

Whether reportable:

Yes/No