

**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

**CRM-M-45785-2019
Date of decision: 18.02.2020**

Paramjit Singh @ Matta and another

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. B. S. Sidhu, Advocate
for the petitioners.

Mr. Joginder Pal Ratra, DAG, Punjab.

Mr. K. S. Brar, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioners pray for grant of anticipatory bail in FIR No.145 dated 23.09.2019 under Sections 384, 447, 148, 149 IPC, registered at Police Station Maur, District Bathinda.

The operative part of the order dated 29.10.2019, vide which the petitioners have been granted interim bail, is reproduced below:

“Learned counsel for the petitioners submits that petitioners are President/member of a Union, which has initially filed CWP-6730-2016 in which the petitioners have challenged the action of the State for charging the cattle fees outside a cattle fair and on that account, they have been implicated in the present FIR. Learned counsel further submits that in fact, the complaint has been given by one firm M/s Sadab Ravinder and Company and therefore, the District Development and Panchayat Officer, Bathinda, without verifying the facts, has got

registered the present FIR.

Notice of motion for 27.11.2019.”

In pursuance to the aforesaid order, separate replies, by way of affidavit of DDPO, Bathinda as well as SSP, Bathinda, have been filed and the same are on record.

A perusal of the affidavit of DDPO, Bathinda shows that a complaint was given by M/s Sadab Ravinder & Company, dated 13.09.2019 and the same was forwarded to the Deputy Commissioner. A perusal of this complaint shows that nobody is named and the only prayer in this complaint is to take action against the mischievous people in the cattle ground/market.

A perusal of the affidavit of the SSP, Bathinda shows that in para 8, it is stated that no preliminary inquiry was conducted before registration of the FIR as the complaint was forwarded by the Deputy Commissioner.

Thus, a collective perusal of both the aforesaid affidavits would show that on receiving a complaint from the aforesaid contractor, the DDPO, Bathinda forwarded the same to the Deputy Commissioner and the Deputy Commissioner forward the same to SSP, Bathinda and the FIR has been registered without verifying the contents of the complaint, wherein nobody is named.

Learned State counsel, on instructions from ASI Karamjit Singh, assisted by learned counsel for the complainant, submits that the petitioners, in pursuance to the order dated 29.10.2019, have joined investigation and are no more required for any further investigation. Learned State counsel as well as learned counsel for the complainant could not dispute the factual position as stated in the aforesaid affidavits.

In view of the above, the petition is allowed and the interim bail granted to the petitioners, vide order dated 29.10.2019, is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

18.02.2020

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No