

201-A

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

CRM-M-1625-2021

Date of decision : 23.11.2021

Nathu Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. B.S. Jatana, Advocate for the petitioner.

Mr. N.K. Banka, DAG, Punjab.

Mr. Mahipal Yadav, Advocate for the complainant.

(Through Video Conferencing)

VIKAS BAHL, J. (ORAL)

Prayer in the present petition is for grant of anticipatory bail to the petitioner in FIR No.178 dated 03.12.2020 registered under Sections 447, 427, 511, 506, 149 of the Indian Penal Code, 1860 (Section 379 of IPC has been added later on) at Police Station Raman, District Bathinda.

On 13.01.2021, a Coordinate Bench of this Court was pleased to pass the following order:-

“Learned counsel for the petitioner prays for grant of anticipatory bail inter alia contending that there is already a civil suit filed by purchasers Gursewak Singh and others for restraining the complainant party from interfering in

their peaceful possession. The petitioner herein is in fact a seller of the said property. It is argued that no recovery is to be effected from the petitioner. It is further contended that co-accused have already been allowed interim anticipatory bail by this Court in CRM-M-44298 of 2020 on 31.12.2020.

Notice of motion.

Ms. Rashmi Attri, AAG, Punjab, who is present through the medium of video conferencing, accepts notice on behalf of the respondent State. At this stage, Mr. Mahipal Yadav, Advocate has put in appearance on behalf of the complainant and he opposes the prayer for grant of anticipatory bail.

Adjourned to 19.05.2021.

Meanwhile, the petitioner is directed to join the investigation within a period of one week and on his doing so, the petitioner be released on interim bail subject to his furnishing personal/surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall continue to join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.”

Learned counsel for the petitioner has submitted that in pursuance of the abovesaid order dated 13.01.2021, the petitioner has joined the investigation.

Learned counsel for the State, on instructions from ASI Randhir Singh, has submitted that although the petitioner has joined the investigation but the recovery of the material is yet to be effected from him.

Keeping in view the abovesaid facts and circumstances, more so the fact that the dispute in the present case has civil proceedings and a civil suit has been filed by the purchasers namely Gursewak Singh, Jagdish Singh and

Jagdeep Singh @ Ranjit Singh and the petitioner herein, is in fact seller of the said property and also the fact that the petitioner has joined the investigation and the moot point as to who has right over the property would be finally adjudicated upon by the Civil Court, the interim order dated 13.01.2021 is ordered to be made absolute.

Accordingly, the present petition is allowed.

However, nothing stated above shall be construed as an expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

23.11.2021

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No