

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

CRM-M-5646 of 2021

DATE OF DECISION :- April 19, 2021

Kans Raj

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE H.S. MADAN

Present:- Mr. Amandeep Singh Manaise, Advocate for the petitioner.

Mr. J.S. Ghuman, DAG, Punjab.

The case has been taken up through Video Conferencing.

This petition for pre-arrest bail has been filed by petitioner Kans Raj, son of Ganda Ram, aged about 65 years, resident of village Chele Chak, Tehsil and District Pathankot, presently at Khanpur Chowk, Pathankot, an accused in F.I.R. No. 126 dated 7.11.2020 registered with Police Station Taragarh, District Pathankot for offences under Sections 419, 420, 427, 120-B IPC.

Briefly stated the prosecution story is that criminal machinery in this case was set into motion by complainant Sumit Kumar, son of Late Roshan Lal, resident of Ram Nagar Colony, Mukerian, who in written complaint submitted by him to the police contended that her grand mother Vidya Devi wife of Gandu Ram was residing at village Chele Chak; she was owner of agricultural land measuring 19 kanals 4 marlas; that complainant sown crop in his share which was forcibly cultivated by his uncle Kans Raj

petitioner-accused causing damage. In that way he took possession of the share in the agricultural land belonging to the complainant by use of force.

After registration of the F.I.R, investigation in the case started. Apprehending his arrest, the petitioner had approached the Court of Sessions at Pathankot seeking pre-arrest bail but was unsuccessful, as such he has approached this Court craving for grant of similar relief.

I have heard learned counsel for the petitioner and learned State counsel besides going through the record.

Learned counsel for the petitioner has contended that the dispute between the parties who were closely related is with regard to inheritance of mother of petitioner regarding which civil litigation is pending between them vide written agreement (Annexure P3). But despite that the complainant has lodged the F.I.R as a pressure tactic; the petitioner has joined the investigation in terms of the directions issued to him by this Court and no recovery is to be effected from him, as such this petition be accepted.

Learned State counsel on instructions from ASI Prabhdeep Singh has conceded the factum of petitioner having joined the investigation further stating that no recovery is to be effected from him, therefore, his custodial interrogation is not required.

Under such circumstances, the interim bail granted to the petitioner on 8.2.2021 is made absolute, subject to the following conditions :-

- (i) he shall join the investigation as and when so directed.
- (ii) he shall appear in the Court on each and every date of hearing.
- (iii) he shall not give any threat or intimidation to the

prosecution witnesses.

- (iv) he shall not leave India without prior permission of the Court.
- (v) he shall surrender his Passport before the Investigating Officer and if he is not having Passport then shall file the affidavit in that regard.

In case the petitioner violates any term and condition on which the bail has been granted to him, the prosecution would be entitled to apply for cancellation of bail.

The petition stands allowed accordingly.

(H.S. MADAAN)
JUDGE

April 19, 2021
p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No