

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

CRM-M-14838-2021 (O&M)

Date of Decision: 29.11.2021

Hari Singh @ Bhola

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Rakesh Gupta, Advocate, for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab,
assisted by ASI Guler Singh.

Mr. Mohit Sadana, Advocate, for the complainant.

GURVINDER SINGH GILL, J. (Oral)

CRM-40612-2021

In view of the reasons mentioned in the application, the same is allowed and the statement of PW-1 Karamjit Kaur is taken on record as Annexure P-12.

CRM-M-14838-2021

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered against him vide FIR No.50 dated 17.03.2021 at Police Station Lehra, District Sangrur, under Sections 306/34 IPC.
2. At the time of issuance of notice of motion on 05.04.2021, the following order was passed:

“The petitioner seeks grant of anticipatory bail in a case registered against him vide FIR No.50 dated 17.03.2021 at Police Station Lehra, District Sangrur, under Sections 306/34 IPC, wherein the complainant alleges that her husband had sold his share in joint land to Gobind Singh, Balwinder Singh and Hari Singh (petitioner), but the said persons had forcibly occupied 1 Kanal and 5 Marlas of land of the deceased due to which he remained disturbed and had committed suicide.

Learned counsel for the petitioner submits that a false FIR has been lodged by the complainant and that the accused have never dispossessed the complainant’s husband in any manner and that even as on date are willing to give possession of the share of the deceased i.e. 1 Kanal and 5 Marlas and that the accused are willing to approach the Revenue Authorities along with the complainant so as to get the desired piece of land as per share of the deceased specifically demarcated and shall ensure that possession of the same is duly handed over in case it is found that the said piece of land is in possession of somebody else.

Learned counsel further submits that the accused would not have any objection for partition of the said share of the deceased/his LRs in the joint land and shall cooperate with the complainant and the Revenue Authorities in every manner.

Notice of motion for 31.08.2021.

Keeping in view the aforesaid submissions made by the counsel for the petitioner as regards the willingness for possession and partition of the share of the deceased, it is directed that the petitioner, in the event of his arrest, is ordered to be released on interim bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and cooperate with the Arresting/Investigating Officer and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

The petitioner is also directed to abide by and comply with the offer made before this Court today as regards the possession and partition of the share of the deceased.”

3. Today, learned counsel for the petitioner has submitted that the instant FIR came to be lodged under some misunderstanding, which has now been resolved and in fact when the complainant was examined as PW-1 during the proceedings of trial, she has not supported the case of the prosecution at all and has been declared hostile. Learned counsel in this regard has drawn the attention of this Court to the statement of PW-1 Karamjit Kaur (Annexure P-12).
4. Learned State counsel has not disputed the aforesaid assertion. It has been informed that pursuant to interim directions issued by this Court, the petitioner has since joined investigation.
5. In view of the aforestated position, wherein the petitioner is stated to have joined investigation and the complainant has turned hostile, the petition is accepted and the interim directions issued by this Court vide order dated 05.04.2021 are hereby made absolute subject to the condition that the petitioner shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

29.11.2021

Vimal

(GURVINDER SINGH GILL)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No