

201-2

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CRM-M No.31584 of 2018 (O&M)

Decided on: 10.11.2021

Sukhdev Singh @ Sukhdev Ram

....Petitioner

Versus

State of Punjab

....Respondent

**CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN**

**Present :** Mr. Atul Kaushik, Advocate  
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

Mr. Narinder S. Lucky, Advocate for the complainant.

**ARVIND SINGH SANGWAN, J. (Oral)**

The petitioner prays for grant of anticipatory bail in FIR No.46 dated 02.06.2018, registered under Sections 420, 467, 468, 471 and 120-B IPC at Police Station Ghanaur, District Patiala.

The operative part of the order dated 26.07.2018, vide which interim anticipatory bail has been granted to the petitioner, is reproduced as under:-

*“....Heard.*

*Learned counsel for the petitioner submits that entire case is based on documentary evidence and the mutation on the basis of which partition was sanctioned, has also been cancelled by now. The petitioner is not a beneficiary and is ready to join the investigation to assist the investigating officer in the matter.*

*Notice of motion for 11.10.2018.*

*Mr. Peeush Gagneja, Advocate has put in*

*appearance on behalf of complainant and filed memo of appearance, submits that complainant has been impersonated in this case and her share was grabbed. He, however, admits that mutation has since been set aside and share of complainant has been restored.*

*Petitioner is directed to surrender before the police and join investigation within two weeks. In the event of his arrest being required, he shall be released on interim bail till the next date, subject to his furnishing bonds to the satisfaction of Arresting Officer. However, he shall abide by the terms and conditions as envisaged under Section 438(2)(i) to (iv) Cr.P.C. failing which he shall lose the benefit of interim bail allowed to him....”*

Thereafter, in a series of orders, the Co-ordinate Bench have tried to get the land demarcated as if the civil dispute between the parties is to be decided during the pendency of the present anticipatory bail.

On perusal of the number of successive orders show that even demarcation was got conducted through the Sub-Divisional Magistrate, Rajpura, and its report is on record.

Counsel for the petitioner has argued that, in pursuance to the order dated 26.07.2018 and other subsequent orders, the petitioner has appeared before the Investigating Officer and has joined the investigation.

Counsel for the State assisted by counsel for the complainant and on instructions from the Investigating Officer, has not disputed the aforesaid fact and submits that the petitioner is no more required for further investigation.

Considering the fact that this petition is pending since

2018 and over a period of 03 years, there is no allegation that the petitioner has either misused the concession of anticipatory bail or has tried to influence the investigation or tamper with the prosecution evidence, this Court finds that the civil right between the parties regarding the agreement to sell or the demarcation of the land is subject-matter of the civil litigation and the present petition remain pending for a period of 03 years, even when there is no allegation of misuse of concession of bail against the petitioner, accordingly, this petition is allowed and the interim bail granted to the petitioner vide order dated 26.07.2018 is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

Disposed of.

(ARVIND SINGH SANGWAN)  
JUDGE

10.11.2021  
*yakub*

|                           |        |
|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable:       | Yes/No |