

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

**CRM-M-20715 OF 2021 (O&M)
DATE OF DECISION : 27.05.2021**

**Gurbhej Singh and another
versus**

...Petitioners

State of Punjab

...Respondent

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Vivek Salathia, Advocate,
for the petitioners.

Mr. Sandeep Singh Deol, DAG, Punjab.

Mr. K. V. S. Khehar, Advocate,
for the complainant.

(Presence marked through video conference).

ARUN MONGA, J. (ORAL)

The petitioners are seeking regular bail in case FIR No.119 dated 22.06.2019 registered under Sections 395/447/511/427/506/186/148/149 IPC, at Police Station Ajnala, District Amritsar (Rural). They were arrested pursuant to investigation in the said criminal case.

2. At the very threshold, learned counsel for the petitioners *de hors* other grounds submits that merely on parity, the petitioners are entitled to be enlarged on bail as similarly situated other accused, some of them attributed with a higher degree of role, have been granted the concession of bail by a co-ordinate Bench of this Court vide order dated 29.10.2019 passed in CRM-M-33115 of 2019 followed by similar bail concession granted by this Bench in CRM-M-3079 of 2020 vide order dated 16.09.2020.

3. Learned counsel for the complainant, on advance knowledge of listing of the bail petition, appears and opposes the bail plea along with learned State counsel who also opposes grant of any concession to the petitioners.

4. Learned State counsel argues that both the petitioners had destroyed the crop on the land in question by using a tractor and are also alleged to have stolen the agricultural articles from land as part of the mob constituting about 40/50 persons.

5. FIR in this case was registered on the basis of complaint of Vijay Kumar, wherein he apprised the police that he is having dispute with the unauthorized occupants of his land and possession thereof has been delivered to him pursuant to the directions of this Court and they have harvested the land. Security has also been provided to them. However, when he went to his fields, then he noticed that a mob had gathered there and were trying to destroy his crop. He tried to stop them, but to no avail. Paramjit Singh, Malkit Singh, Sarup Singh, Bira Singh, Pala Singh, Balwinder Singh, Labha Singh, Sukha Singh, Munsa Singh, Binder Singh along with their wives and 20/25 unidentified persons destroyed his crop with the help of tractors. They tried to snatch the guns of security guards and have stolen their articles. The petitioners were arrested on 26.10.2019 and are in custody since then.

6. Learned counsel submits that there is no specific role attributed to the petitioners. According to him, the dispute between the parties is civil in nature and petitioners have unnecessarily been dragged in criminal case. According to him, investigation of the case is over and challan has been filed, but there is no headway in the proceedings due to Covid-19 pandemic and trial will take long time to conclude.

7. Learned counsel further submits that dispute herein is in fact purely civil in nature with regard to the land situated in two villages namely Majhi Meon and Saido Gazi and states that poor inhabitants of the villages who are small time agriculturist are on the one hand and on the other hand, the civil as well as criminal litigation has been instituted at the instance of one Ramesh Kumar and his relatives including Subhash Chander and Vijay Kumar on whose complaint, FIR in question has been registered.

7. Both the petitioners are stated to be in custody since 12.03.2021.

8. On a Court query, learned State counsel submits that challan has already been filed and it can, therefore, safely be presumed that investigation is over. The allegations against the petitioners can finally be adjudicated only after trial which is currently held up due to pandemic

scenario. There is no likelihood of any further headway in the trial and the conclusion thereof would take time since the Courts are working on restricted functioning due to Covid-19 pandemic.

9. In the premise, I am of the opinion, no useful purpose would be served by keeping the petitioners in any further preventive custody.

10. Taking wholesome view of the matter and without expressing any opinion on the merits of the case, both the petitioners are ordered to be released on bail on their furnishing bail bonds and surety bonds to the satisfaction of concerned Chief Judicial Magistrate/ Duty Magistrate/Illaqua Magistrate, as the case may be.

11. It is, however, made clear that in case the petitioners are found involved in any other case of similar nature while on bail, the prosecution shall be at liberty to seek cancellation of his bail.

MAY 27, 2021
Shalini

(ARUN MONGA)
JUDGE

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