

201-4

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

CRM-M No.35941 of 2018 (O&M)

Decided on: 10.11.2021

Karnail Singh and another

....Petitioners

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Atul Kaushik, Advocate
for the petitioners.

Mr. Joginder Pal Ratra, DAG, Punjab.

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

ARVIND SINGH SANGWAN, J. (Oral)

The petitioners pray 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 18.09.2018, vide which interim anticipatory bail has been granted to the petitioners, is reproduced as under:-

“....Learned counsel for petitioners has handed over demand draft no. 380215 dated 10.09.2018 drawn on State of Bank of India, amounting to `2 lakhs in the name of Joginder Kaur to learned counsel for the complainant and submits that petitioners are ready to sit with complainant and settle the dispute to her satisfaction.

Learned counsel for complainant has no objection if the matter is referred to Mediation and Conciliation Centre of this Court as the complainant has concern with

her share in the land and remaining amount.

On the joint request of learned counsel for parties, the matter is referred to Mediation and Conciliation Centre of this Court, where parties will appear on 24.09.2018.

To facilitate the appearance of petitioners before the Mediator, they are directed to surrender before the police and join investigation within a week. In the event of their arrest being required, they shall be released on interim bail till the next date, subject to their furnishing bonds to the satisfaction of Arresting Officer. However, they shall abide by the terms and conditions as envisaged under Section 438(2)(i) to (iv) Cr.P.C. failing which they shall lose the benefit of interim bail allowed to them.

It is, however, made clear that interim bail has been allowed to petitioners only to facilitate the settlement of dispute before the Mediator.

Report of the Mediator be awaited for 05.12.2018....”

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 petitioners has argued that, in pursuance to the order dated 18.09.2018 and other subsequent orders, the petitioners have appeared before the Investigating Officer and have 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 petitioners are 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 petitioners have either misused the concession of anticipatory bail or have 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 petitioners, accordingly, this petition is allowed and the interim bail granted to the petitioners vide order dated 18.09.2018 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