

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-29661-2021
Date of Decision: 08.11.2021

Gurbhej Singh and another

....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

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

Mr. Karanbir Singh, AAG, Punjab.

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioners in FIR No.0281 dated 21.09.2020, under Sections 447/379/427/506/341/511/186/353/148/149 of IPC and Section 25 of Arms Act, registered at Police Station Ajnala, District Amritsar Rural.

The learned counsel for the petitioners has submitted that in the present case the basic dispute between the petitioners alongwith the other co-residents on the one hand and the complainant namely Vijay Kumar and his family members on the other hand is that there is a total 1300 kanals of land in two villages namely, Majhi Meon and Saido Gazi which vest in the State but regarding which the complainants have taken *ex parte* decrees on

forcible possession and the dispute pertains to the land which belongs to the State and in order to pressurize and grab the said land, the complainants have lodged multiple number of FIRs against the petitioners alongwith many other residents of the village. He submitted that in the present case, there is an allegation of theft of agricultural equipments and one motor and damage to wheat crop and it is a case of no injury. He submitted that the petitioners are in custody since 12.03.2021 and the investigation of the case is already complete and challan under Section 173 Cr.P.C has already been presented before the competent Court and no recovery is to be effected from the petitioners. He submitted that in view of the factual background of this case and in view of the fact that the trial of the case would take long time, he may be considered for the grant of regular bail.

On the other hand, Mr. Karanbir Singh, learned Assistant Advocate General, Punjab. has stated that it is correct that the petitioners are in custody from 12.03.2021 and the basic dispute pertains to 1300 kanals of land regarding which even litigation is also pending regarding the dispute of the ownership of the land. He has also not disputed that the investigation of the case is already complete and challan stands presented under Section 173 Cr.P.C before the competent Court. He has further stated that no recovery is to be effected from the petitioners.

I have heard the learned counsel for the parties.

The present FIR emanates from a dispute of land which according to the learned counsel for the petitioners vest in the State and not only the petitioners but a number of other villagers have been opposing the complainants for grabbing the land and therefore, according to the learned

counsel for the petitioners this present FIR has been lodged as a consequence of the same. It is a case of no injury and investigation of the case is already complete. The petitioners are in custody for the last more than seven months. The trial of the case may take long time and therefore no useful purpose would be served in case the petitioners are kept in further custody. Furthermore it is not the case of the State that in case the petitioners are released on bail then they may influence any witness or may tamper with evidence or may flee from justice.

Therefore, without commenting on the merits of the case and considering the totality of circumstances, the present petition is allowed. The petitioners shall be released on regular bail subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate concerned.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

08.11.2021

rakesh

(JASGURPREET SINGH PURI)**JUDGE**

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