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

CRM-M-38986-2021 (O&M)

Date of decision: 15.11.2021

GURBHEJ SINGH AND ANOTHER

...Petitioners

VERSUS

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

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

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

CRM-38452-2021

Allowed as prayed for.

Annexure P-18 and P-19 are taken on record subject to all just exceptions.

CRM-M-38986-2021

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioners in case FIR No. 0122 dated 13.07.2018, registered under Sections 379, 427, 506, 148 and 149 of the IPC at Police Station Ajnala, District Amritsar-Rural, Punjab.

Learned counsel for the petitioners relies upon the order dated 08.11.2021 passed in CRM-M-29661-2021, vide which the petitioners were granted the concession of regular bail by this Court in FIR No.0281 dated 21.09.2020 under Sections 447/379/427/506/341/511/186/353/148/149 of the IPC and Section 25 of Arms Act, registered at Police Station Ajnala,

District Amritsar Rural.

The operative part of the order reads as under:-

“... 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.”

Learned counsel for the petitioners further submits that the present FIR has also been registered by the same complainant, who has registered as many as 18 FIRs against the petitioners and others and the petitioners have been granted the concession of regular bail in all the cases as the allegations are identical in nature.

Learned counsel for the petitioners further submits that the petitioners are in judicial custody for the last about 08 months; investigation is complete; offences are tribal by the Court of Magistrate and it will take some time in conclusion of the trial.

Learned State counsel has filed the custody certificate in Court today and does not dispute the factual position.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case and looking into the allegations in the present FIR, which are identical to the other FIRs, in which the petitioners have been released on regular bail; the instant petition is allowed. The petitioners are ordered to be released on regular bail on their furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaqa Magistrate, concerned.

15.11.2021
Chetan Thakur

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No