

**219 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH
CRM-M-39836-2021
Date of Decision: 29th September, 2021**

Yadwinder Singh @ Yada

... Petitioner

Versus

State of Punjab

... Respondent

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr. Tarun Sharma, Advocate for the petitioner.

Ms. Samina Dhir, DAG, Punjab for the respondent-State.

Mr. Tarun Jatta, Advocate for the complainant.

AVNEESH JHINGAN , J.(Oral)

1. Due to COVID-19 situation, the Court is convened through video conference.

2. This petition under Section 439 Cr.P.C. is filed seeking regular bail in FIR No. 79 dated 5.6.2021, under Sections 307, 452, 148, 149 and 427 IPC (Section 506 IPC added later on) and Sections 25 and 27 of the Arms Act, 1959 registered at Police Station City, Moga.

3. The FIR was at the instance of Surinder Pal. As per the allegations, the dispute is between the landlord and the tenant (complainant). On 5.6.2021, there was an attempt by 10 to 12 unidentified persons armed with *Dang* to forcefully take possession of the house. There was a CCTV camera installed in the house in question. There is pendency of civil litigation between the complainant and his landlord. The name of the petitioner surfaced in a disclosure statement of Sukhdip Singh.

4. Learned counsel for the petitioner submits that it is a case of false implication, the petitioner has been nominated only on the basis of supplementary statement dated 12.07.2021 of wife of the complainant.

There is no specific role or injury attributed to the petitioner.

5. Learned counsel for the State appearing on advance notice on instructions opposes the prayer for grant of pre-arrest bail. She submits that it is a case where in spite of pendency of litigation, there was an attempt to take possession of the premises. She further submits that the petitioner is involved in nine more similar cases.

6. Learned counsel for the petitioner submits that the petitioner has been acquitted in seven cases and in two cases he is on bail. He further relies upon the fact that co-accused was granted interim anticipatory bail by this court.

7. Though the complainant has not been impleaded as party, Mr. Tarun Jhatta, Advocate puts in appearance on behalf of the complainant and opposes the prayer for grant of regular bail. He submits that fire arm injury was caused to the complainant.

8. Considering that the petitioner is in custody since 23.7.2021, no recovery was made from the petitioner, no fire arm injury is attributed to the petitioner, co-accused has been granted interim anticipatory bail by this court, the petitioner is granted bail subject to his furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

9. The petition is allowed.

10. However, it is clarified that in case there is any subsequent development or mis-use of the bail, the State shall be at liberty to take remedies in accordance with law.

(AVNEESH JHINGAN)
JUDGE

29th September, 2021
Parveen Sharma