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

CRM-M-44298-2020

Date of decision : 23.11.2021

Gursewak Singh and others

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. B.S. Jatana, Advocate for the petitioners.

Mr. N.K. Banka, DAG, Punjab.

Mr. Mahipal Yadav, Advocate for the complainant.

(Through Video Conferencing)

VIKAS BAHL, J. (ORAL)

Prayer in the present petition is for grant of anticipatory bail to the petitioners in FIR No.178 dated 03.12.2020 registered under Sections 447, 427, 511, 506, 149 of the Indian Penal Code, 1860 (Section 379 of IPC has been added later on) at Police Station Raman, District Bathinda.

On 31.12.2020, a Coordinate Bench of this Court was pleased to pass the following order:-

“Learned counsel for the petitioners prays for grant of anticipatory bail to the petitioners while inter-alia contending that the petitioners are the owners of the land in dispute as would be reflected from the sale deed executed on

21.09.2020 and the revenue entries made thereafter. It is also argued that the petitioners herein had also filed a suit for injunction for restraining the complainant party from interfering into their peaceful possession, wherein status quo has been ordered on 10.12.2020. Learned counsel for the petitioners would further contend that the allegations as set out in the FIR are not plausible while contending that the petitioners are ready and willing to join investigation as nothing is to be recovered from them.

Notice of motion.

Mr. Gaurav Garg Dhuriwala, Sr. DAG, Punjab appearing through the medium of video conferencing accepts notice on behalf of the respondent State and seeks time to file reply. At this stage, Mr. Mahipal Yadav, Advocate has put in appearance through the medium of video conferencing on behalf of the complainant.

Adjourned to 19.05.2021.

Meanwhile, petitioners are directed to join the investigation within a period of one week and on doing so, the petitioners be released on interim bail to the satisfaction of Arresting/Investigating Officer. However, the petitioners shall continue to join the investigation as and when called upon to do so and shall abide by the conditions incorporated under Section 438(2) Cr.P.C.”

Learned counsel for the petitioners has submitted that in pursuance of the abovesaid order dated 31.12.2020, the petitioners have joined the investigation.

Learned counsel for the State, on instructions from ASI Randhir Singh, has submitted that although the petitioners have joined the investigation but the recovery of the material is yet to be effected from them.

Keeping in view the abovesaid facts and circumstances, moreso

the fact that the dispute in the present case has civil tappings and the petitioners have also filed a suit for injunction for restraining the complainant party from interfering into their peaceful possession and even status quo order was passed on 10.12.2020 and also the fact that the petitioners have joined the investigation and it is a moot point which would be finally adjudicated by the Civil Court as to who has right over the property, the interim order dated 31.12.2020 is ordered to be made absolute.

Accordingly, the present petition is allowed.

However, nothing stated above shall be construed as an expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

23.11.2021

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No