

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

**CRM-M-52605-2019 (O&M)
Date of decision:08.10.2021**

Harinder Singh

...Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Sanjay Gupta, Advocate for the petitioner.

Mr. H.S. Sitta, AAG, Punjab.

Mr. Arun Singla, Advocate for the complainant.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

CRM-33500-2021

This is an application for placing on record written submission/objection dated 30.09.2021 (Annexure P-17) on the enquiry report dated 12.02.2020 (Annexure R1/T) and Annexures P-18 to P-21.

Notice of the application.

Learned State counsel, assisted by learned counsel for the complainant, submits that he has no objection if the present application is allowed.

In view of the above, the present application is allowed and the written submission/objection dated 30.09.2021 (Annexure P-17) on the enquiry report dated 12.02.2020 (Annexure R1/T) as well as Annexures P-18 to P-21 are taken on record.

CRM-M-52605-2019

This petition has been filed for grant of anticipatory bail to the

petitioner in case bearing FIR No.111 dated 04.11.2019 registered under Sections 435, 379, 447, 506, 323, 147 read with Section 149 IPC at Police Station Chabbewal, District Hoshiarpur.

Vide order dated 18.12.2019 passed by a Coordinate Bench of this Court, *ad-interim* anticipatory bail was granted to the petitioner and he was directed to join the investigation. The relevant part of the said order is reproduced as under:-

“...Further, the petitioner or his associates would not interfere with the peaceful possession of the complainant in respect of the disputed land otherwise than in due course of law. In the event of the petitioner or his associates doing so, it would be open to the complainant to move for cancellation of this order.”

The affidavit of Superintendent of Police (Investigation), Hoshiarpur, indicates as under: -

“That it is humbly submitted that the petitioner has violated the order passed by this Hon'ble Court by sown green fodder in 11 kanal 11 marlas landed property of Baljit Kaur and her daughter Ikvinder Kaur and has also shown wheat crop in 4 kanal 18 marlas of Baljit Kaur and her daughter Ikvinder Kaur. Remaining tract of land of 44 kanals have been held to be lying vacant. Petitioner Harminder Singh by ploughing and sowing green fodder and wheat crop in the disputed land of 15 kanal 29 marlas have violated the order of the Hon'ble High Court. The enquiry report of the deponent is annexed as Annexure 'R1/T'.

Learned counsel for the petitioner submits that khasra number has wrongly been mentioned by the Superintendent of Police (Investigation), Hoshiarpur, while tendering his affidavit dated 17.02.2020. It is further submitted the petitioner is admittedly Chakotadar and no illegal act has been committed by the petitioner at this stage.

Learned counsel for the complainant submits that as many as four FIRs have been registered against the petitioner. Moreover, the suit for

specific performance stands dismissed and the appeal is pending adjudication.

Learned State counsel submits that even as per the report, the petitioner is not complying with the order dated 18.12.2019 passed by the Coordinate Bench of this Court, vide which he or his associates were restrained from interfering into the peaceful possession of the complainant.

I have heard learned counsel for the parties.

Admittedly, the petitioner was granted interim protection with the specific direction that he or his associates would not interfere into the peaceful possession of the complainant in respect of the disputed land. It has come forth that the petitioner is not abiding by the said direction, which indicates that he has no respect for the orders passed by this Court. The petitioner cannot be allowed to avail the interim protection at the cost of the violation of the directions contained in the order dated 18.12.2019 granting him such protection. Thus, the petitioner by his act and conduct has dis-entitled himself to the grant of any further interim protection.

In view of the above, the present petition is dismissed.

08.10.2021
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(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No