

247 IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-54172-20219 (O&M)  
Date of Decision: 28.07.2021.

Gurbaj Singh and another ...Petitioners  
vs.

State of Punjab ...Respondent

Coram : Hon'ble Mr. Justice B.S. Walia.

Present: Mr. Rishav Jain, Advocate for the petitioners.  
Mr. Sukhbeer Singh, AAG, Punjab.

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B.S. Walia, J. (VC)

1. Case is being taken up for hearing through Video Conferencing due to Covid-19 pandemic.

2. Prayer in the petition under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioners in case FIR No.138 dated 04.11.2019, registered under Sections 447, 379, 511, 148 and 149 of IPC, to which Section 411 of IPC was added lateron, at Police Station Moonak, District Sangrur.

3. Learned counsel for the petitioners contends that on 17.01.2020, the following order was passed:-

“Learned counsel for the petitioners contends that the petitioners are minors. The offences alleged against the petitioners are directly proportional to the status of the complainant being a co-sharer in exclusive possession. Evidently, there is no allegation of any partition by metes and bounds. Petitioners are also co-sharers in the joint land. Every co-sharer would be deemed to be in possession of every inch of land till partition is done in accordance with law. There is no material available with the complainant to allege exclusive possession over the land in question so as to plead ouster of the

other co-sharers like the petitioners.

Notice of motion for 23.3.2020.

In the meanwhile, petitioners are directed to appear before the SHO/Investigating Officer to join investigation on 24.01.2020 at 11.00 a.m. and in the event of their arrest, they shall be enlarged on ad interim bail, subject to their furnishing requisite bail bonds/surety bonds to the satisfaction of Arresting Officer. However, petitioners shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.”

4. Learned counsel contends while learned State Counsel, on instructions from *ASI Balbir Singh*, confirms that pursuant to the order of this Court dated 17.01.2020, the petitioners joined investigation, cooperated in the investigation, were released on ad-interim pre-arrest bail and their custodial interrogation is not required.

5. In view of the statement of the learned State Counsel, order dated 17.01.2020, passed by this Court, is made absolute. The petitioners shall continue to abide by the terms and conditions enumerated in Section 438(2) Cr.P.C. However, nothing stated hereinabove shall be deemed to be an expression of opinion on the merits of the case.

6. Petition stands disposed of in the aforementioned terms.

**(B.S. Walia)**  
**Judge**

28.07.2021

‘Rajesh’

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No