

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

206

CRM-M-55670-2019 (O&M)

Date of Decision: 24.11.2021

Iqbal Singh & others ...Petitioners

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Jasdev Singh Brar, Advocate,
for the petitioners.

Mr. Harbir Sandhu, AAG, Punjab,
assisted by ASI Baj Singh.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioners have approached this Court seeking grant of anticipatory bail in respect of a case registered against them vide FIR No.255 dated 06.12.2019 at Police Station Kotbhai, District Sri Muktsar Sahib, under Sections 447/511/379/427/506 IPC.
2. Vide order dated 17.02.2020, the following directions were issued by this Court:

“The learned counsel for the petitioners submits that the petitioners have falsely been implicated in the present case and that possession of the land in question is with the complainant and that they do not intend to disturb his possession except with due process of law.

The learned counsel for the petitioners has further submitted that he shall advice his clients to return the cultivator, which is alleged to have been taken away by the petitioners.

In view of the aforesaid submissions, the matter is adjourned to 23.04.2020.

In the meanwhile, in the event of arrest, the petitioners be released on interim bail subject to their furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioners shall join the investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

The Investigating Officer shall furnish definite information as to who is in possession of the land in question.”

3. Since the dispute had mainly arisen on account of possession of certain piece of land, wherein allegations had been leveled that the accused had demolished the *pucca* points, this Court had issued the following directions on 05.10.2021:

“While learned counsel for the petitioners submits that the landmarks had never been installed/fixed by the Revenue Authorities, the learned State counsel has informed that he has instructions to the effect that the same have not been restored and had been demolished.

In view of the aforestated position, the Tehsildar concerned is directed to submit a report in the matter and to inform as to whether any landmarks had been fixed/installed and in case, the same had been installed as to whether the same had been demolished and also in case, the same had been demolished as to whether the same have been restored or not. In case, the Tehsildar finds that the said landmarks were existing there and had been demolished, the same shall be restored. The petitioner shall render all the necessary assistance for the same.

List on 26.10.2021.”

4. Learned State counsel has today filed an affidavit of Shri Narinder Singh, Deputy Superintendent of Police, SD-Gidderbaha, District Sri Muktsar Sahib, which is accompanied by a report of the Tehsilder (Annexure R-1/T), which reads as follows:

“Today on receiving orders of Tehsildar Sahib, Gidderbaha vide letter No.1074 dated 25.10.2021 reached to Village Rukhala for conducting demarcation. Patwari Halqa with record came present at the spot. Zarib was measured with the help of tape scale (Feeta) which was found correct. There is stone in the northern-western corners of Rect. No.19 Killa No.1 and Rect. No.21 Killa No.1, from this point with the help of flags line was fixed and Rect. No.8 Killa No.10/1/4 Rect. No.23 Killa No.8/2/3, 9/1/2, 12/2, 13/1 were measured and Thaddas/landmarks were affixed. Previous thaddas/landmarks which were destroyed, the thaddas/landmarks were restored on the same places.”

5. Learned State counsel has informed that as per the report the *pucca* points, which had been earlier demolished, have been fully restored. It has also been informed that pursuant to interim directions issued by this Court, all the petitioners have since joined investigation and are not required for any custodial interrogation and that they are not involved in any other case.
6. Having regard to the aforestated position, wherein the petitioners are stated to have joined investigation and are not stated to be involved in any other case, the petition is accepted and the interim directions issued by this Court vide order dated 17.02.2020 are hereby made absolute subject to the condition that the petitioners shall join investigation as and when called upon to do so and

cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

24.11.2021

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(GURVINDER SINGH GILL)
JUDGE

Whether speaking/reasoned: **Yes/No**

Whether reportable: **Yes/No**