

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

CRM-M-2781 of 2022(O&M)

Date of Decision: 17.11.2022

Mandeep Singh & Ors.

...Petitioners

Versus

State of Punjab

...Respondent

CORAM :HON'BLE MR. JUSTICE KARAMJIT SINGH

**Present:- Mr. Liaqat Ali, Advocate
For the petitioners.**

Mr. C.L. Pawar, DAG Punjab.

**Mr. Mohd. Yousaf, Advocate
For the complainant.**

KARAMJIT SINGH, J.

The present petition has been filed by the petitioners under Section 438 Cr.P.C. seeking anticipatory bail in case having FIR No. 46 dated 10.04.2021, registered under Sections 447, 379, 511, 427 and 149 IPC at Police Station Lohian, District Jalandhar Rural.

Counsel for the petitioners submits that the petitioners are having no concern with the agricultural land of the complainant which is adjoining to their land. The counsel for the petitioners further submits that the petitioners never committed theft of wheat crop from the land of the complainant. The counsel for the petitioners further submits that the petitioners have joined the investigation with the police, pursuant to the order of interim bail passed by the Co-ordinate Bench of this Court.

The present petition is contested by the State counsel as well as counsel for the complainant. The State counsel on instructions from ASI Sarabjeet Singh made statement that petitioners have joined the investigation with the police and are not required for any further investigation or custodial interrogation

The counsel appearing on behalf of the complainant while contesting the present petition has submitted that prior to the present occurrence the petitioners threatened to encroach the agricultural land of the complainant, on which suit for permanent injunction was filed by the complainant and in that civil suit the petitioners suffered statement that they will not interfere in the land of the complainant and consequently the said suit was dismissed as withdrawn vide order Annexure P-3 dated 19.02.2021. That after the withdrawal of the civil suit, the petitioners trespassed and committed theft of wheat crop which was growing in the land of the complainant. The counsel for the complainant made prayer that present petition be dismissed.

Admittedly, the land of the parties is adjoining to each other. As per the complainant, the petitioners committed theft of wheat crop from his land on 03.03.2021. However, it appears that the complaint regarding the said theft was given in writing to S.S.P. Jalandhar which was received in the said office on 01.04.2021. Further the petitioners have joined the investigation with the police and as per the statement made by the State counsel they are not required by the police for any further investigation.

In view of the above as the petitioners are not required by the police for any further investigation, the present petition is allowed without

commenting on the merits of the case and order of interim bail dated 17.02.2022 is made absolute and the petitioners are to abide by the conditions envisaged under Section 438(2) Cr.P.C.

17.11.2022

Jiten

**(KARAMJIT SINGH)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No