

226

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

CRM-M-16878-2022

Date of Decision: 29.04.2022

Amrik Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Vivek Salathia, Advocate,
for the petitioner.

Mr. Davinder Bir Singh, DAG, Punjab.

JASGURPREET SINGH PURI, J. (ORAL)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case bearing FIR No.0281 dated 21.09.2020, under Sections 379, 447, 427, 506, 341, 511, 186, 353, 148 & 149 of the IPC and Section 25 of the Arms Act, 1959, registered at Police Station Ajnala, Amritsar-Rural.

It has been submitted by learned counsel for the petitioner that the petitioner is in custody since 16.03.2022. He further submitted that in fact the primary dispute in the present case is pertaining to co-residents of two villages. Thereby the complainant-Vijay Kumar and his family members are on the one hand and the co-villagers are on the other hand and there is a total 1300 kanals of land in two villages, namely Majhi Meon and Saido Gazi which vest in the State but regarding which the complainants have taken *ex parte* decrees on forcible possession and the dispute pertains

to the land which belongs to the State and in order to pressurize and grab the said land, the complainants have lodged multiple number of FIRs against the petitioner along with many other residents of the village. He also submitted that the subject matter of the present case was pertaining to the allegations of theft of agricultural equipments and one motor and damage to wheat crop and it is a case of no injury to any person. He further submitted that otherwise also the investigation of the case has been completed and challan under Section 173 of the Cr.P.C. has already been presented before the competent Court and no recovery is to be effected from the petitioner. He also submitted that the other co-accused, namely, Gurbhej Singh and Labh Singh @ Labha have been granted regular bail by this Court in CRM-M-29661-2021 on 08.11.2021 and has submitted that the petitioner is also at parity with the aforesaid co-accused.

On the other hand, Mr. Davinder Bir Singh, learned Deputy Advocate General, Punjab has submitted that it is correct that the petitioner is in custody since 16.03.2022 and the investigation of the case has been completed. He is not disputed that the petitioner is at parity with the aforesaid co-accused, namely, Gurbhej Singh and Labh Singh @ Labha so far as the facts of the case are concerned.

I have heard the learned counsel for the parties.

In the present case, investigation of the case has already been completed and it is a case of no injury. As per the allegations, the complainant-Vijay Kumar had filed a number of FIRs against number of villagers and as per the petitioner, the complainant had taken forcible possession of 1300 kanals of land and thereafter, there was a stay order in

his favour but in fact the land belongs to the State and there was a collective efforts of all the villagers to save the land belonging to the State and that was a reasons as to why they were implicated in these cases. Since the investigation of the case has been completed and the other co-accused, namely, Gurbhej Singh and Labh Singh @ Labha have been granted bail by this Court and no apprehension has been expressed by the learned State counsel that in case the petitioner is released on regular bail then he may abscond or flee from justice or may influence the witness, therefore, considering the aforesaid facts and circumstances of the case, this Court deems it fit and proper to grant bail to the petitioner.

Consequently, the present petition is allowed and the petitioner is ordered to be released on bail on furnishing bail bond/surety bond to the satisfaction of the trial Court/Duty Magistrate concerned, if not required in any other case.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

29.04.2022*Bhumika***(JASGURPREET SINGH PURI)
JUDGE**

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| 1. Whether speaking/reasoned: | Yes |
| 2. Whether reportable: | Yes/No |