

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

**201**

**Date of Decision: 02.06.2022.**

**(1) CRM-M-26708-2021 (O&M)**

Bakhsheesh Singh

Versus

....Petitioner.

State of Punjab

....Respondent.

**(2) CRM-M-35407-2021 (O&M)**

Palwinder Singh @ Parwinder Singh @ Sodhi

Versus

....Petitioner.

State of Punjab

....Respondent.

**(3) CRM-M-39630-2021 (O&M)**

Gagandeep Singh

Versus

....Petitioner.

State of Punjab

....Respondent.

**(4) CRM-M-48119-2021 (O&M)**

Resham Singh

Versus

....Petitioner.

State of Punjab

....Respondent.

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**CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH**

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**Present:** Mr. Mandeep S. Bedi, Sr. Advocate with  
Ms. Gagandeep Kaur, Advocate  
for the petitioners (in CRM-M-26708, 35407, 39630-2021).

Mr. Suvir Sidhu, Advocate and  
Mr. Ashutosh Gupta, Advocate  
for the petitioner (in CRM-M-48119-2021).

Mr. Rana Harjasdeep Singh, DAG, Punjab.

Mr. Bhriugu Dutt Sharma, Advocate for the complainant.

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**Amol Rattan Singh, J. (Oral)**

Vide these petitions, all the petitioners herein seek to be admitted to anticipatory bail under the provisions of Section 438 of the Cr.P.C. with interim orders having been passed at the initial stage in each petition, directing them to join investigation within a particular period and upon so doing if they were sought to be arrested, they were to be admitted to interim bail to the satisfaction of the Arresting Officer/ the Illaqua Magistrate concerned.

All of them having joined investigation accordingly, subsequently, on various dates, learned State counsel on instructions from the Investigating Officer, had stated before this Court that there custodial interrogation is not required, with affidavits (dated 17.08.2021 in CRM-M-26708-2021, dated 02.03.2022 in CRM-M-35407-2021 and CRM-M-39630-2021 and dated 23.03.2022 in CRM-M-48119-2021) to that effect having been filed, stating the said fact.

Consequently, learned counsel for the complainant had been asked to address arguments as to why then this court should not allow the petitions in terms of the ratio of the judgment of the Supreme Court in **M.C.Abraham Vs. State of Maharashtra**, (2003) 2 SCC 649.

Today Mr. Bhriugu Dutt Sharma, learned counsel for the complainant, submits that the petitioners initially having obtained order from this court that they be admitted to interim bail on a wholly false statement made in the petitions, that they are not in illegal possession of the panchayat land but with that fact having been refuted by the respondent investigating agency itself (in affidavit dated 17.08.2021 executed by

Sarwan Singh Bal, DSP, Sub-Division, Sultanpur Lodhi, District Kapurthala, in CRM-M-26708-2021), this court would not grant them the benefit of indulgence of anticipatory bail absolutely, so as to take advantage of such false statement made.

As regards the ration of **M.C. Abharam (supra)**, he submits that was a case where despite the investigating agency not wanting the custodial interrogation of the accused, the High Court had directed that they be arrested; and hence the circumstances are wholly different in the present case.

Mr. Bedi, learned senior counsel appearing for the petitioners, submits that the issue of whether or not the petitioners are in actual illegal occupation of panchayat land would be something to be seen at the time of the trial itself and the report of the investigating agency in that regard would not influence the decision of this court.

Whereas I may not agree with that statement because eventually the question of bail is to be decided on the basis of investigation conducted, but even so, with the investigating agency itself stating on affidavit of a gazetted officer, that the custodial interrogation of the petitioners is not required, at this stage at least I would disposed of these petitions as having been rendered infructuous in the light of that statement made.

Ordered accordingly.

(AMOL RATTAN SINGH)  
JUDGE

**02.06.2022**

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Whether speaking/ reasoned : Yes/ No  
Whether Reportable : Yes/ No