

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-30056-2021 (O&M)
Date of decision: 27.04.2022

Balwinder Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Vishal Munjal, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

Mr. Umesh Aggarwal, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of anticipatory bail in FIR No.32 dated 08.07.2021 under Section 379 IPC, registered at Police Station Nangal Bhoor, District Pathankot.

While granting interim bail to the petitioner, following order was passed by this Court on 30.07.2021: -

“...Learned counsel for the petitioner submits that the FIR was registered at the instance of Sukhjit Singh Walia with the allegations that he is owner of some land and the petitioner is

running a crusher and by digging the land 50 feet deep with the help of a JCB, water has started coming out of the earth and this has made his land uncultivable. It is further submitted that the petitioner has closed the business for the last two years and even the crusher is closed for the last 7-8 years. It is also submitted that previously, the crusher was running under an agreement with Joginder Pal and Jitender Bharti and the present complaint has been filed just to harass the petitioner.

Notice of motion.

On asking of the Court, Mr. Joginder Pal Ratra, DAG, Punjab accepts notice on behalf of the respondent-State while Mr. Umesh Aggarwal, Advocate has appeared on behalf of the complainant.

Learned counsel for the complainant has, however, submitted that machinery of the complainant is yet to be recovered, as it was taken away by the petitioner...”

Learned counsel for the petitioner submits that in pursuance of the aforesaid order, the petitioner has joined the investigation and is not required for any further investigation. It is further submitted that the land was sold by the petitioner to the complainant in the year 2009, however, they still remained co-owner. It is also submitted that it will be a matter of trial whether the petitioner has excavated the land or he is co-owner of the property or not.

Learned State counsel, on the basis of affidavit of Investigating

Officer/ASI Rakesh Kumar, Police Station Nangal Bhoor, District Pathankot and assisted by learned counsel for the complainant, has not disputed the aforesaid factual position and submitted that the petitioner has joined the investigation and he is no more required for any further investigation.

However, on a Court query, learned State counsel could not dispute that the complainant has never filed any suit for permanent injunction against the petitioner restraining him for excavating the land.

In view of the above, this petition is allowed and the interim bail granted to the petitioner vide order dated 30.07.2021 is made absolute subject to the conditions envisaged under Section 438 (2) Cr.P.C.

[ARVIND SINGH SANGWAN]
JUDGE

27.04.2022
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No