

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

213

CRM-M-41352-2021 (O&M)

Date of Decision: 17.01.2022

Guarav Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Sahil Puri, Advocate,
for the petitioner.

Mr. C.L.Pawar, Sr. DAG, Punjab,
assisted by ASI Sham Sundar.

Mr. Vaibhav Narang, Advocate,
for the complainant.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.204, dated 03.09.2021, Police Station Cantonment, District Amritsar, under Section 420 IPC.
2. At the time of issuance of notice of motion on 04.10.2021, the following order was passed:

“The petitioner has approached this Court seeking grant of anticipatory bail in a case registered vide FIR No.204, dated 3.9.2021, Police Station Cantonment, District Amritsar, under Section 420 IPC.

The allegations, in nutshell, are that the complainant's father Mulakh Raj and his uncle had jointly purchased land measuring 590 Sq. Yards. However, at the time of mutation, the adjoining street measuring 103 Sq. Yards was also added in the area and the

total area was shown as 693 Sq. Yards. After death of the complainant's father Mulakh Raj, the complainant, his brother, his sister and mother inherited the property to the extent of $\frac{1}{2}$ of 590 Sq. Yards i.e. 295 Sq. Yards.

Learned counsel for the complainant asserts that his remaining 3 co-sharers i.e. his brother, sister and mother had leased out their $\frac{3}{4}$ th share in his favour which worked out to 221 Sq. Yards vide lease deed dated 21.12.2020. Complainant alleges that his sister's son and daughter, taking advantage of the incorrect entries in the revenue record had got sanctioned mutation in their favour and were now trying to grab a shop built on the land of the complainant.

Learned counsel for the petitioner submits that the matter is more or less in the nature of a civil dispute and in fact a civil suit seeking declaration and permanent injunction has already been filed wherein temporary interim injunction has already been granted in favour of the petitioner.

Learned counsel further while drawing attention of this Court to some electricity bills annexed with the petition has submitted that the petitioner has been in possession over the property in question since the year 1983.

Notice of motion for 14.1.2022.

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

3. Learned State counsel upon instructions has informed that pursuant to interim directions issued by this Court, the petitioner has since joined investigation and is not required for any custodial interrogation.

4. Having regard to the aforestated position, wherein the petitioner is stated

to have joined investigation, the petition is accepted and the interim

directions issued by this Court vide order dated 04.10.2021 are hereby made absolute subject to the condition that the petitioner 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.

17.01.2022

Vimal

(GURVINDER SINGH GILL)
JUDGE

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

Whether reportable: **Yes/No**