

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

(I) CRM-M-42977-2022 (O&M)

Davinder Pal Kaur & another ...Petitioners

Versus

State of Punjab ...Respondent

(II) CRM-M-44408-2022 (O&M)

Vir Kamaljit Singh Bawa ...Petitioner

Versus

State of Punjab ...Respondent

(II) CRM-M-50207-2022 (O&M)

Manmohan Singh Walia ...Petitioner

Versus

State of Punjab ...Respondent

Date of Decision: 29.11.2022

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Ramesh Sharma, Advocate, for the petitioners.

Ms. Swati Batra, DAG, Punjab,
 assisted by ASI Harparsad.

Mr. A.S.Khinda, Advocate, for the complainant.

GURVINDER SINGH GILL, J. (Oral)

1. This order shall dispose of the aforesaid three petitions filed on behalf of

Davinder Pal Kaur, Manjit Bahadur Singh, Vir Kamaljit Singh Bawa and

Manmohan Singh Walia respectively, seeking grant of anticipatory bail in respect of a case registered vide FIR No.130 dated 10.06.2022 at Police Station City Kapurthala, District Kapurthala, under Sections 458/342/380/427/148/149/129-B IPC

2. The FIR in question was lodged at the instance of Ujjal Singh, wherein it has been stated that on 06.06.2022, he received a phone call at about 9.00 PM to the effect that about 13/14 anti-social persons including Manjit Bahadur Singh Bawa, Davinder Pal Kaur, Vir Kamaljit Singh Bawa, Manmohan Singh Walia, Paramjit Singh and Surjit Singh @ Vicky had come to Gurdwara and were quarrelling. Upon receipt of said information, the complainant rushed to the Gurdwara where he saw that Manjit Bahadur Singh Bawa and Vir Kamaljit Singh, who were carrying kirpans, as well as Davinder Pal Kaur and her husband Manjit Bahadur Singh Bawa entered into the Gurdwara Sahib and took the keys and mobile of the Granthi Karamjit Singh and locked him in a room with the help of 7/8 other persons and thereafter took away an amount of Rs.27,650/- kept inside Gurdwara Sahib, DVR of the CCTV installed in the Gurdwara Sahib and the record of the Gurdwara.
3. Learned counsel for the petitioners has submitted that there is dispute as regards the management of Gurdwara Sahib and in respect of which civil suits are pending and that a false FIR has been lodged so as to pressurize the petitioners. Learned counsel has further submitted that in any case the petitioners are willing and ready to deposit an amount of Rs.20,000/- each in order to show their bonafides.

4. Opposing the petitions, learned State counsel assisted by learned counsel for the complainant has submitted that since the petitioners are specifically named in the FIR and specific allegations of snatching of an amount of Rs.27,650/-, DVR of the CCTV installed in the Gurdwara Sahib and record of the Gurdwara have been leveled in the FIR, no case for grant of anticipatory bail is made out. Learned State counsel has, however, informed that pursuant to interim directions issued by this Court, Davinder Pal Kaur (petitioner No.1 in CRM-M-42977-2022) and Manmohan Singh Walia (petitioner in CRM-M-50207-2022) have joined investigation and are not required for any custodial interrogation. It has also been informed that none of the petitioner is involved in any other case.
5. Having regard to the nature of allegations and the fact that all the petitioners enjoy a clean record, all the petitions are accepted. The interim directions issued by this Court vide orders dated 19.09.2022 qua Davinder Pal Kaur (petitioner No.1 in CRM-M-42977-2022) and 31.10.2022 qua Manmohan Singh Walia (petitioner in CRM-M-50207-2022) are hereby made absolute and the remaining petitioners, in the event of their arrest, are ordered to be released on bail subject to their furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, all the petitioners shall join the 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.

6. Each of the petitioner, as per offer made before this Court, shall deposit an amount of Rs.20,000/- before the trial Court/Illaq Magistrate within a period of 4 weeks from today, which shall be got invested in FDR in some Nationalized Bank. The trial Court/Illaq Magistrate shall, however, issue specific directions to the Bank concerned not to entertain any request for encashment of the same except under orders of the Court. In case, the petitioners are ultimately found guilty and convicted and such conviction attains finality, the complainant shall be entitled to proceeds of said FDR. However, in case the accused/petitioners are found innocent and such acquittal attains finality, the petitioners shall be entitled to proceeds of the said FDR along with interest.
7. A photocopy of this order be placed on the connected file.

(GURVINDER SINGH GILL)
JUDGE

29.11.2022
Vimal

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