

Through video conference

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

**CRM-M-53402-2021 (O&M)
Decided on: January 27, 2022**

Gurbhej Singh

... Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

**Present: Mr. Vivek Slathia, Advocate
for the petitioner.**

Mr. Karanbir Singh, AAG, Punjab.

JASGURPREET SINGH PURI, J. (ORAL)

The present petition has been filed under Section 439 of the Code of Criminal Procedure, seeking regular bail in FIR No.101 dated 25.05.2019, under Sections 379, 427, 506, 148, 149 IPC, 1860 registered at Police Station Ajnala, District Amritsar-Rural, Punjab.

Learned counsel for the petitioner submitted that the petitioner is the poor resident of village and the basic dispute between the petitioner on the one hand and complainant namely Ramesh Kumar and his family members on the other hand was that there were two villages namely Majhi Meon and Saido Gazi, which were vested in the State but the complainant has taken ex parte decrees on forcible possession of the land which belongs to the State. He submitted that the complainant in order to grab the government land and to pressurize the people have lodged a multiple

of the village, who are opposing the complainant, for possession of the land. Learned counsel further submitted that the allegations in the present case are with regard to the theft of phone and in the other FIRs different kinds of allegations have been made. He has further submitted that the petitioner is in custody since 12.03.2021 and in almost all other FIRs, the petitioner has been granted bail. He has referred to orders (Annexure P-17) passed by this Court in this regard wherein bail has been granted.

On the other hand, learned counsel for the State has stated that it is not disputed that the petitioner has been granted bail in other such types of similar cases and the petitioner is in custody since 12.03.2021. It is further submitted by the State counsel that the investigation is complete and the challan has already been presented. No recovery has been effected from the petitioner.

I have heard the learned counsel for the parties.

As per the averments of the counsel for the petitioner, the petitioner is the resident of the village and the complainant party had forcibly taken the land belonging to the State and the petitioner along with other residents of the village have been falsely implicated in this case. It has been argued by the counsel for the petitioner that in other similar cases, the petitioner has already been granted the concession of the regular bail by this Court wherein the same allegations have been made by the different complainants belonging to the same property. The petitioner is in custody since 12.03.2021 and the challan has already been presented and the trial of the case will take long time and no useful purpose would be served by keeping the petitioner further in custody.

Therefore, considering the totality of circumstances of the

present case, this Court deems it fit and proper to grant regular bail to the petitioner. Accordingly, the present petition is allowed. It is ordered that the petitioner shall be released on bail on furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned in case not required any other case.

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

January 27, 2022

Parveen Kumar

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking / reasoned
Whether reportable

Yes / No
Yes / No