

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-53400-2022 (O&M)
Date of decision: 21.12.2022

Mukhtiar Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr. Saransh Sabharwal, Advocate for
Mr. Jaskamal Singh Grewal, Advocate for the petitioner.

Mr. Tarun Aggarwal, Sr. DAG, Punjab.

VIKAS BAHL, J. (ORAL)

Prayer in this petition under Section 438 Cr.PC is for grant of anticipatory bail to the petitioner in case bearing FIR No.111 dated 25.10.2022 registered under Sections 457, 380, 427 IPC at PS Sandaur, District Malerkotla.

On 17.11.2022, this Court was pleased to pass the following order:-

“Inter alia, contends that in the present case, it is Gurudwara Prabandhak Committee, which is in possession of the land in question and the present petitioner has now been elected as President of the Gurudwara Sidhsar Sahib Prabandhak Committee of village Dhaler Kalan (Ahmedpur), District Malerkotla and has referred to the resolution dated 02.10.2022 (Annexure P-5) in the said regard. It is further submitted that Gurudwara Prabandhak Committee had filed a civil suit initially through Baljit Singh, who was the earlier President of the Gurudwara Sidhsar Sahib Prabandhak Committee and after the present petitioner had been elected as President, he moved an application dated 18.10.2022 in the said civil suit for seeking permission to appear as the plaintiff and vide order dated 18.10.2022, the present petitioner was permitted to appear as the plaintiff in the civil suit and the said order has been challenged by the Gram Panchayat. It is also

submitted that the gram panchayat had filed a civil suit on 09.08.2016 against Baljit Singh, who was the ex-president of the Gurdwara Sidhsar Sahib Prabandhak Committee and the said civil suit had been dismissed in default on 03.07.2019 and the same has not been restored till date. It is stated that the present dispute has civil trappings and the petitioner in order to show his bona fide, is ready to deposit an amount of Rs.25,000/- in the Locker of Gurdwara Baba Sidhsar Sahib within a period of two weeks, without admitting his liability.

Notice of motion for 08.12.2022.

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

The petitioner is directed to deposit an amount of Rs.25,000/- in the Locker of Gurdwara Baba Sidhsar Sahib within a period of two weeks from today and get the receipt of the same.

It is made clear that in case, an amount of Rs.25,000/- is not deposited in the Locker of Gurdwara Baba Sidhsar Sahib within a period of two weeks from today, then the present interim relief granted in favour of the petitioner would be liable to be vacated.

The payment of the amount of Rs.25,000/- would not be construed as an admission of guilt by the petitioner.

*(VIKAS BAHL)
JUDGE”*

November 17, 2022

Thereafter, on 08.12.2022, this Court was also pleased to pass the following order: -

Learned counsel for the State, on instructions from ASI Harjinder Singh, has submitted that the petitioner has not joined the investigation and the amount of Rs. 25,000/- has not been deposited in the Locker of the Gurdwara Baba Sidhsar Sahib.

Learned counsel for the petitioner has submitted that he has the receipt signed by the Cashier Major Singh showing that an amount of Rs.25,000/- has been deposited. It is further submitted that the petitioner is ready to deposit an amount of Rs. 25,000/- with the PGI, Poor Patients Welfare Fund within a period of 7 days from today. It would be open to the petitioner to take the money back from Major Singh.

Petitioner is again directed to join the investigation on 16.12.2022 at 11.00 a.m. and deposit an amount of Rs.

25,000/- with the PGI, Poor Patients Welfare Fund within a period of 7 days from today.

Adjourned to 21.12.2022.

(VIKAS BAHL)

JUDGE”

08.12.2022

Learned counsel for the petitioner has submitted that in pursuance of order dated 08.12.2022, the petitioner has deposited the amount of Rs.25,000/- with the PGI, Poor Patients' Welfare Fund and has produced the receipt thereof. He has further submitted that the petitioner has joined the investigation in pursuance of order dated 17.11.2022.

Learned State counsel, on instructions from ASI Harjinder Singh, has submitted that the petitioner has joined investigation and is not required for further investigation.

Keeping in view the above said facts and circumstances moreso, the facts which have been noticed in the order dated 17.11.2022, and also the fact that the petitioner has joined the investigation and is not required for further investigation, the present petition is allowed and the interim order dated 17.11.2022 is made absolute.

Nothing stated above shall be construed as an expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

Pending application, if any, stands disposed of in view of the above said order.

(VIKAS BAHL)

JUDGE

21.12.2022

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Whether speaking / reasoned

Whether reportable

Yes/No

Yes/No