

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

**CRM-M-60003-2022
Date of decision: 22.12.2022**

Punjab Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Fateh Singh Bhullar, Advocate
for the petitioner.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of anticipatory bail in FIR No. 66 dated 01.09.2021, registered under Sections 452, 323, 427, 506, 148, 149 of the IPC (Section 326 IPC added later on) and Section 3 of the Prevention of Damage to Public Property Act, 1984 at Police Station Harike, District Tarn Taran.

At the very outset, learned counsel for the petitioner submits that though the petitioner was granted the concession of interim anticipatory bail by the Additional Sessions Judge, however, later on, the same was dismissed as the petitioner failed to join investigation.

Learned counsel for the petitioner further submits that as per allegations in the FIR, registered on the statement of complainant Nirmal Singh, *Sarpanch* of the village, it is stated that some plots were carved out from *Shamlat* land for poor residents of the village by passing a resolution and demarcation of the said plots was done in the presence of Patwari and Panchayat Secretary, however, the petitioner and others, whose lands were adjoining the aforesaid plots, were interfering in the works of Gram

Panchayat. It is further stated that on 30.08.2021, the complainant came to know that the petitioner and other accused are dismantling the foundation stone installed regarding the said plots. On this, the complainant reached at the spot and the accused persons, who were armed with Sabbals and Datar, were dismantling the foundation stone and causing loss to the wall constructed by one Jagir Kaur in her plot. Thereafter, an altercation took place between the complainant and the accused persons and they came back towards the village. The said accused persons entered into the house of Jagir Kaur and started giving beatings to her and caused injuries. When Jagir Kaur raised hue and cry, all the accused persons ran away from the spot along with their respective weapons.

Learned counsel for the petitioner further submits that there is no direct allegation against the petitioner and he has not inflicted any injury on aforesaid Jagir Kaur.

Notice of motion.

Mr. Navneet Singh, DAG, Punjab, who is present in Court, accepts notice on behalf of the respondent. He does not dispute the factual position but opposes the bail.

After hearing learned counsel for the parties, without commenting anything on the merits of the case, considering the fact that the petitioner was initially granted the concession of interim anticipatory bail by the Additional Sessions Judge, which later on was cancelled as the petitioner could not join investigation and also in view of the fact that there is no direct allegation against the petitioner in the FIR, the present petition is allowed and the petitioner is granted the concession of anticipatory bail, subject to the conditions envisaged under Section 438(2) Cr.P.C.

The petitioner is directed to appear before the Investigating Officer and join investigation within a period of 15 days from today.

It is clarified that if the petitioner fails to join investigation within the time stipulated, this petition shall be deemed to be dismissed.

22.12.2022

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No