

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-5680-2021
Date of Decision:-02.02.2023

GURSAHIB SINGH BRAR

... Petitioner(s)

Versus

STATE OF PUNJAB

... Respondent(s)

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CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

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Present:- Mr. Baljet Singh Sidhu, Senior Advocate with
Mr. Chandan Singh, Advocate
for the petitioner.

Ms. Kanica Sachdeva, AAG, Punjab.

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KARAMJIT SINGH, J. (Oral)

Prayer is for grant of anticipatory bail in case having FIR No.33
dated 20.6.2020 registered under Sections 336, 447, 511, 506, 427, 148, 149
IPC and Sections 25/27 of Arms Act at Police Station Sadiq District
Faridkot.

Allegations in a nut-shell are that complainant-Jaswinder Singh
@ Jas got recorded his statement with the police that his wife Sukhjit Kaur
and sister-in-law Manjit Kaur purchased 49 *kanals* and 8 *marlas* of land
from Gurcharan Singh son of Sukhdev Singh and the vendor handedover the

possession of said land to aforesaid vendees and even mutation was also entered in the name of the vendees. That on 1.6.2020, co-accused Jaskaran Singh tried to take forcible possession of the said land and the matter was reported to the police and again on 19.6.2020, when the complainant was irrigating his fields, co-accused Jaskaran Singh armed with *Gandasa* accompanied by Bhajan Singh came there on a tractor. Further, Jaswinder Singh @ Nindu armed with revolver, Jaswant Singh, petitioner Gursahib Singh and three other unidentified persons having weapons were also accompanying them in a Toyota Corolla PB-04-Z-5858 and started ploughing the land belonging to the complainant and on seeing the complainant, the accused persons started firing in air and also raised *Lalkara* and on this, the complainant got frightened and sped away from there on his Activa scooter. That the accused persons also damaged his crops.

The counsel for the petitioner *inter alia* contends that partition proceedings were going on with regard to joint land between complainant Jaswinder Singh and co-accused Jaskaran Singh and the opposite party wanted to take forcible possession of the land belonging to co-accused. The counsel for the petitioner further submits that the petitioner is falsely implicated in the present case and has joined investigation with the police by virtue of previous order of interim bail.

State counsel on instructions from ASI Sukhwinder Singh apprised the Court that the petitioner has joined the investigation with the police and challan is also presented against the accused persons after completion of investigation and charges are framed by the Trial Court and

now, the petitioner is not required by the police for any further investigation or custodial interrogation.

Today, none has put in appearance on behalf of the complainant.

In view of the fact that the petitioner is not required any further for the purpose of investigation, which stands concluded, and the police has presented the challan and even charges are also framed, no purpose is going to be served if the petitioner is subjected to custodial interrogation at this stage.

In the light of the above, without commenting on the merits of the case, the present petition is hereby allowed and order dated 8.2.2021 is hereby made absolute. The petitioner should abide by the conditions envisaged under Section 438(2) Cr.P.C.

02.02.2023
Gaurav Sorot

(KARAMJIT SINGH)
JUDGE

Whether reasoned / speaking?	Yes / No
Whether reportable?	Yes / No