

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

214+1

CRM-M-14679-2023

Date of Decision: 26.04.2023

Saroop Singh and Another

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Gagandeep Singh Sirphikhi, Advocate for the petitioners
Mr. Vipin Pal Yadav, Addl. AG, Punjab

JAGMOHAN BANSAL, J. (ORAL)

1. On 23.03.2023, the following order was passed:-

“Through instant petition under Section 438 of Code of Criminal Procedure, 1973, the petitioners are seeking anticipatory bail in FIR No. 29 dated 1.3.2023, under Sections 323, 324, 354, 506, 148 and 149 of IPC (section 326 IPC added subsequently) and Sections 25, 27 of Arms Act, registered at Police Station, Shri Hargobindpur, Police District Batala.

The case of prosecution is that Amarjit Kaur wife of Charanjit Singh lodged a complaint with police alleging that on 27.02.2023 at about 12.30 a.m., she was present at her house and her brother-in-law told her that Nanak Singh son of Baljit Singh alongwith his family members is ploughing their land. She alongwith her brother-in-law reached at their land which is situated in the vicinity of Bet area of Mari Panwan Patti Lakhpur. Nanak Singh was ploughing the land with tractor. Harjinder Singh armed with gandasi,

Prince armed with dang, Gurjant Singh armed with datar, Kulwinder Singh armed with datar, Saroop Singh armed with dang were sitting on the boundary of the land. One i-20 car was parked there in which Harpreet Singh was sitting alongwith Jarnail Singh @ Jaila. They were armed with pistol. In white Swift car 7-8 unidentified persons were present. They attacked them and caused injuries.

Learned counsel for the petitioners inter alia contends that there is a cross case i.e. Rapat No. 18 dated 4.3.2023 under Sections 323, 324, 354, 506, 148 and 149 of IPC and Sections 25/27/54/59 of Arms Act against the complainants. It is a land dispute. The petitioners are in possession of the land. The complainant with intent to grab land has lodged FIR against the petitioners. The petitioners are ready to join investigation and face proceedings. There is no possibility of flee from justice. The arrest would cause irreparable loss, mental agony, embarrassment and humiliation to petitioner as well entire family.

Notice of motion.

On the asking of Court, Mr. Amish Sharma, AAG, Punjab, who is present in court on advance notice, accepts notice on behalf of State-respondent.

Having considered contents of the FIR, role attributed to the petitioners, gravity of offence, sentence prescribed for commission of alleged offence, arguments put forth by the petitioners and law enunciated by Hon'ble Supreme Court in Thana Singh v. Central Bureau of Narcotics, (2013) 2 SCC 590, Arnab Manoranjan Goswami V. State of Maharashtra,

(2021) 2 SCC 427, Satender Kumar Antil V. CBI (2022) 10 SCC 51, Siddharam Satlingappa Mhetre V. State of Maharashtra & Ors., 2010 SCC OnLine SC 1375, Shri Gurbaksh Singh Sibbia V. State of Punjab (1980) 2 Supreme Court Cases 565, this Court is of the prima facie opinion that petitioners deserve protection from arrest. Accordingly, at the first instance, the petitioners are directed to appear before investigating officer on 29.03.2023 and thereafter as directed by IO. In the event of arrest, the petitioners shall be admitted to interim bail on furnishing of bail/surety bonds to the satisfaction of investigating/arresting officer. The petitioners shall co-operate the investigating officer.

If the arresting officer does not permit the petitioners to join the investigation, the petitioners would appear before the learned Illaqa Magistrate who would then summon the arresting officer and direct him to join the petitioners in investigation, in terms of the order of this Court.

Adjourned to 26.04.2023.

Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and trial court shall proceed without being prejudiced by observations of this Court.”

2. Learned State counsel submits that petitioners have joined investigation and no custodial interrogation is required.
3. In view of the above facts and circumstances, the petition is allowed and the interim bail granted to the petitioners vide order dated

23.03.2023 is made absolute subject to the conditions envisaged under Section 438(2) of Cr.P.C.

4. If the petitioners or their family members/associates make any attempt to threat/intimidate the witnesses in the present case, the State would be at liberty to move an application for cancellation of bail granted by this order.

Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and Trial Court shall proceed without being prejudiced by observations of this Court.

(JAGMOHAN BANSAL)
JUDGE

26.04.2023
Mohit Kumar

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>