

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

CRM-M-17530-2020 (O&M)
Date of Decision:-**02.02.2023**

JASKARAN SINGH @ JASSA AND OTHERS

... 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. G.L. Bajaj, Advocate
for the petitioners.

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 or Arms Act at Police Station Sadiq District Faridkot.

Allegations in 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 petitioner No.1-Jaskaran Singh tried to take forcible possession of the said land and the matter was recorded to the police and again on 19.6.2020 when the complainant was irrigating his fields, petitioner No.1-Jaskaran Singh armed with *Gandasa* accompanied by Bhajan Singh came there on a tractor. Further Jaswinder Singh @ Nindu armed with revolver, Jaswant Singh, Gursahib Singh and three other unidentified persons having weapons were also accompanying them in Toyota Corolla PB-04-Z-5858 and started ploughing the land belonging to the complainant and on seen the complainant the accused persons started firing in air and also raised *Lalkara* and on this the complainant got frightened and sped away from their on his Activa scooter. That the accused persons also damaged his crops.

The counsel for the petitioners *inter alia* contends that partition proceedings were going on with regard to joint land between complainant Jaswinder Singh and petitioner No.1-Jaskaran Singh and the opposite party wanted to take forcible possession of the land belonging to petitioner No.1. The counsel for the petitioners further submits that the petitioners are falsely implicated in the present case and have 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 petitioners have 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 petitioners are 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 petitioners are not required any further more 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 petitioners are 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 16.7.2020 is hereby made absolute. The petitioners 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