

(309)

(2023:PHHC:107306)

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

CRM-M-30263 of 2023

Date of Decision: August 18, 2023

Prem Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Ramandeep, Advocate for the petitioner.

Mr. R.S. Khaira, DAG, Punjab.

DEEPAK GUPTA, J.(Oral)

On 12.06.2023, the following order was passed by this
Court:-

“Prayer in this petition filed under Section 438 Cr.P.C is for grant of anticipatory bail to the petitioner in case FIR No.89 dated 11.05.2023 registered under Sections 324, 325, 323, 379, 506 IPC (offence under Section 434 IPC added later on) at Police Station Samana (however, in the order dated 30.05.2023 passed by learned Addl. Sessions Judge, Patiala, it was wrongly typed as Police Station Sadar Samana), District Patiala, Punjab.

FIR was lodged on the complaint of one Gurvinder Singh, as per which demarcation of his land was conducted at the government level and burjies were also affixed. He alleged that on 30.04.2023, his neighbour Prem Singh (petitioner) came with a tractor and started digging out the

burjies and when complainant restrained him from doing so, petitioner allegedly gave gandas blow on the thumb of hand of the complainant. It is contended by learned counsel that in the FIR, there is no allegation of theft. It is further contended that as per the demarcation report, it is the petitioner, who had affixed the burjies on his land.

It is also contended that no offence under Section 379 IPC is made out as there is no allegation of committing theft of any burjy as has been observed in the order dated 30.05.2023 passed by learned Additional Sessions Judge, Patiala.

Notice of motion.

Mr. Navneet Singh, Sr. DAG, Punjab, accepts notice on behalf of the respondent- State.

Learned State Counsel does not dispute the factual position as above.

Adjourned to 14.08.2023.

In the meantime, in case of his arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting Officer/ Investigating Officer. However, it is further directed that the petitioner shall join the investigation as and when so required by the Investigating Officer. He shall not contact any person associated with the case to dissuade him from the investigation in any manner whatsoever and nor shall leave the country without prior

permission of the Court. He shall further comply with the conditions stipulated in Section 438(2) Cr.P.C.”

It is informed by learned State Counsel, on instructions from ASI Ranjit Singh, that in compliance of the order dated 12.06.2023, petitioner has since joined the investigation and he is no longer required for any investigation.

In view of the afore-said statement, order dated 12.06.2023 whereby interim anticipatory bail was granted to the petitioner in the FIR in question, is hereby made absolute. However, the petitioner shall continue to join the investigation as and when required by the Investigating Officer and make compliance of the conditions envisaged under Section 438(2) Cr.P.C.

Disposed of.

August 18, 2023

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(DEEPAK GUPTA)
JUDGE

Whether reasoned/speaking: Yes/No

Whether reportable: Yes/No