

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

208

CRM-M-32812-2022 (O&M)

Date of decision: 07.08.2023

Manjit Singh

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. M.K. Arya, Advocate for the petitioner

Mr. Manipal Singh Atwal, DAG Punjab

Mr. Vikas Cucria, Advocate for the complainant

AMAN CHAUDHARY. J.

1. On 28.07.2022, this Court had passed the following order:-

“Prayer is for grant of anticipatory bail to the petitioner in criminal case having FIR No.80 dated 17.7.2022 registered under Sections 448, 380, 506, 34 IPC (Section 511 IPC added later on) at Police Station Chabbewal, District Hoshiarpur. Counsel for the petitioner submits that the property in question falls in Khasra No.2405 whereas the property purchased by the opposite party from Rana Singh falls under Khasra No.2403/1 and 1725 (1-13). He further contends that prior to the registration of the present FIR, the petitioner and other persons filed civil suit against Rana Singh and others to protect their possession and title over the property bearing Khasra No.2405 and the learned Court of Civil Judge, Junior Division, Garhshankar has granted ad-interim ex parte injunction in favour of the petitioner and other plaintiffs with regard to their possession over property bearing Khasra No.2405.

Notice of motion.

Ms. Bhavna Gupta, DAG, Punjab accepts notice on behalf of the State and on instructions from ASI Gurchain Singh submits that the investigating officer is having no knowledge regarding passing of any such stay order by the Civil Court.

Apparently, it appears to be a dispute regarding ownership and possession over certain immovable property regarding which civil suit is also pending between the parties.

Now be listed on 9.11.2022.

In the meantime, in case of arrest, the petitioner is directed to be released on interim bail by the IO/Arresting

Officer to his own satisfaction till the next date of hearing. The petitioner should join the investigation with the police well in time before the next date of hearing and is to abide by the conditions as envisaged under Section 438(2) of Cr.P.C.”

2. Learned counsel submits that in pursuance of the aforesaid order, the petitioner has not only joined investigation but also fully cooperated with the investigating agency. He further submits that in case the investigating agency requires the petitioner to appear, he shall make himself available without demur.

3. Learned State counsel on instructions affirms the factum of joining the investigation by the petitioner and cooperating with the investigating agency. He also submits that at this stage, the petitioner is not required for further custodial interrogation.

4. In view of the above and without expressing any opinion on the merits of the case, anticipatory bail petition filed by the petitioner is allowed and the order dated 28.07.2022 granting interim bail to him, is hereby made absolute, subject to compliance of conditions as specified under Section 438(2) Cr.P.C.

5. However, it is made clear that if the petitioner fails to join and cooperate with the investigating agency as and when required, the State would be at liberty to move an application for cancellation of the present anticipatory bail granted to him.

(AMAN CHAUDHARY)
JUDGE

07.08.2023

S.Sharma(syr)

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No