

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

208/2

CRM-M-33496-2022 (O&M)

Date of decision: 07.08.2023

Hardeep Singh and another

....Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

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

Mr. Manipal Singh Atwal, DAG Punjab

Mr. Vikas Cucria, Advocate for the complainant

AMAN CHAUDHARY. J.

1. On 01.08.2022, this Court had passed the following order:-

“Prayer is for grant of anticipatory bail to the petitioners 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 petitioners 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. Samina Dhir, DAG, Punjab accepts notice on behalf of the State and Mr. Vikas Cucria, Advocate has put in appearance on behalf of the complainant.

Counsel for the complainant submits that the petitioners and his companions have encroached the property which was previously owned by Rana Singh and now purchased by the complainant who is an NRI.

Now be listed on 9.11.2022.

In the meantime, in case of arrest, the petitioners are

directed to be released on interim bail by the IO/Arresting Officer to his own satisfaction till the next date of hearing. The petitioners should join the investigation with the police well in time before the next date of hearing and are 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 petitioners have not only joined investigation but also fully cooperated with the investigating agency. He further submits that in case the investigating agency requires the petitioners to appear, they shall make themselves available without demur.
3. Learned State counsel on instructions affirms the factum of joining the investigation by the petitioners and cooperating with the investigating agency. He also submits that at this stage, the petitioners are 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 petitioners is allowed and the order dated 01.08.2022 granting interim bail to them, 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 petitioners fail 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 them.

(AMAN CHAUDHARY)
JUDGE

07.08.2023
S.Sharma(syr)

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No