

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-44042-2023
DECIDED ON: 09.11.2023

MAHINDER SINGH AND OTHERS
.....PETITIONERS

VERSUS

STATE OF PUNJAB
.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY.

Present: Mr. Fariad Singh Virk, Advocate
for the petitioners.

Mr. Subhash Godara, Addl. AG, Punjab.

SANJIV BERRY, J (ORAL)

By way of present petition filed under Section 438 of the Code of Criminal Procedure, 1973, petitioners seek anticipatory bail in case FIR (Annexure P-1) as under:

FIR No.	Dated	Sections	Police Station
188	19.07.2023	447, 511, 427, 379, 506 of IPC	Patran, District Patiala

2. Learned counsel for the petitioners has submitted that in compliance to the order dated 04.09.2023 passed by this Court, the petitioners has already joined the investigation and as such interim bail granted to the petitioner may be confirmed.

3. Learned State counsel, on instructions from SI Sahab Singh, has intimated that the petitioners has joined investigation and are no more required for any custodial investigation in this case nor they are required for further investigation.

4. During the course of hearing on 04.09.2023, this Court has passed the following order:-

“By way of present petition filed under Section 438 Cr.P.C, the petitioners seek anticipatory bail in case FIR (Annexure P-1) as under:-

FIR No.	Dated	Sections	Police Station
188	19.07.2023	447,511,427,379,506 IPC	P.S. Patran, District Patiala

2. *Learned counsel for the petitioners, inter alia, submits that the petitioners have been falsely implicated in this case. He submits that infact the petitioners along with Pinder Singh, had inherited the proprerty from the father of petitioners No. 1 and 2 and Pinder Singh son of Makhan Singh, who happened to be the grandfather of petitioner No. 3.*

3. *It is further submitted by learned counsel for the petitioners that partition of the property had already stood effected on 28.02.2013 vide Sanad Takseem decided by Assistant Collector Ist Class, Patra, District Patiala and this fact was also incorporated in the jamabandi for the year 2019-2020. He further submits that a civil suit in the property is already pending which has been filed by the complainant after the present FIR but has claimed relief by mentioning jamabandi for the year 2004-2005.*

4. *It is further submitted that no such occurrence, however, took place and the present FIR has been filed just to harass the petitioners. He submits that one of the accused namely Pinder Singh has already been arrested and has subsequently been released on bail.*

5. *Notice of motion.*

6. *On the asking of the Court, Ms. Swati Batra, DAG, Punjab, who is present in Court, accepts notice on behalf of the State-respondent and prays for time to file the status report/reply in the matter. 7.*

Adjourned to 20.09.2023.

8. *Needful be done well before the date fixed with an advance copy to the counsel opposite.*

9. *In the meanwhile, without commenting on the merits of the case, the petitioners are hereby directed to join investigation within seven days and co-operate in the same. In the event of the arrest of the petitioners, they shall be released on interim bail on their furnishing personal/surety bonds to the satisfaction of the Arresting Officer/Investigating Officer. They shall also abide by conditions as envisaged under Section 438(2) Cr.P.C.*

5. Keeping in view the above submissions made by learned State counsel and the fact that the petitioners had joined the investigation

consequent to the order dated 04.09.2023 passed by this Court, interim bail granted vide order dated 04.09.2023 is hereby confirmed, subject to conditions as envisaged under Section 438(2) Cr.P.C. Further the petitioners is directed to join investigation as and when required in future by way of written notice for such purpose to be served by Investigating Officer of this case upon the petitioners; he will not tamper with the evidence nor will influence the witnesses and will not leave the country without prior permission of the Court.

6. The petition stands allowed.

09.11.2023

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(SANJIV BERRY)
JUDGE

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