

202 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

2023:PHHC:050418

CRM-M-46986-2022
Date of Decision: 12.04.2023

KHARAK SINGH @ LADDI AND OTHERS ... PETITIONERS
V/S
STATE OF PUNJAB ... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Neeraj Sharma, Advocate for
Mr. C.S.Bakhshi, Advocate for the petitioners.

Mr. Hittan Nehra, Addl. A.G. Punjab.

Ms. Chandanpreet Kaur Ahluwalia, Advocate for
Mr. Vipin Mahajan, Advocate for the complainant.

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VIVEK PURI, J. (ORAL)

On 14.11.2022, following order was passed:

“The petitioners seek grant of anticipatory bail in respect of a case registered vide FIR No.285 dated 30.09.2022 at Police Station Civil Lines, Batala, under Sections 448/380/427/506/148 IPC.

The FIR in question was lodged at the instance of Rajesh Syal, wherein it has been alleged that he is owner of land measuring 215 marlas, which he had purchased vide 4 different sale deeds executed in his favour during the period 2006 to 2011. It has been alleged that he had constructed a boundary wall around the said plot and has also installed gate and electricity meter. However, on 23.09.2022 at about 2.30 PM, he found that the lock of the main gate had been broken and boundary wall had been demolished. It has also been alleged that even the window of the room constructed on the said plot was damaged and some articles i.e. plastic pipes, plastic chairs, wooden table etc. had been stolen. It has been alleged that he (complainant) later on came to know that the said articles had been stolen by Kharak Singh @ Laddi, Jagtar Singh, Prabhjot Singh (petitioners herein) accompanied by 4/5 other unknown persons.

Learned counsel for the petitioners submits that they have falsely been implicated in the present case and that there is no evidence worth credence to support the allegations leveled in the FIR.

Mr. Siddharth Attri, AAG, Punjab, representing the State of Punjab has filed a short reply on behalf of the respondent/State by way of an affidavit of Mr. Lalit Kumar, DSP, Sub Division City Batala, Police District Batala, which is taken on record.

Learned counsel representing the complainant has submitted that all the three petitioners are gangsters and are involved in cases registered under Sections 302/307 IPC and Arms Act and that they are also involved in 3 cases of forcible possession regarding which civil cases are pending.

Learned counsel for the petitioners, at this stage, has submitted that the petitioners in order to prove their bonafides shall deposit an amount of Rs.3 lakhs before the trial Court.

The petitioners, as per their offer, shall deposit an amount of Rs.3 lakhs before the trial Court/Illaqa Magistrate within a period of 4 weeks from today, which shall be got invested in FDR in some Nationalized Bank. The trial Court/Illaqa Magistrate shall, however, issue specific directions to the Bank concerned not to entertain any request for encashment of the same except under orders of the Court. In case, the petitioners are ultimately found guilty and convicted and such conviction attains finality, the complainant shall be entitled to proceeds of said FDR. However, in case the accused/petitioners are found innocent and such acquittal attains finality, the petitioners shall be entitled to proceeds of the said FDR along with interest.

List again on 12.04.2023.

Meanwhile, in the event of arrest, the petitioners be released on interim bail subject to their furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioners shall join investigation as and when called upon to do so and cooperate with the Arresting/Investigating Officer and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

It is, however, made clear that in case the aforesaid amount is not deposited within the stipulated period of 4 weeks, the aforesaid order qua grant of interim bail shall be deemed to have been recalled.

It is specifically directed that the petitioners shall not enter upon the aforesaid 215 marlas of land unless finally adjudicated in their favour by the Civil Court.”

Learned counsel for the petitioners contend that in pursuance of the interim directions, the petitioners have deposited the amount of Rs. 3 Lakhs before the learned trial Court/Illaqa Magistrate and have also joined the investigation.

Learned State counsel, on instructions from SI Narjit Singh, has not disputed the aforesaid factual aspect and further submitted that the recovery has already been effected and the custodial interrogation of the petitioners is not required.

Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 14.11.2022 is made absolute.

12.04.2023

Janki

(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No