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

CRM-M-47061-2023 (O&M)

Date of decision : 04.12.2023

Bittu Singh and another

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Ms. Avneet Kaur Uppal, Advocate,
for the petitioner No.2-Satgur Singh.

Mr. Joginder Pal Ratra, Sr. DAG, Punjab,
assisted by ASI Beera Singh.

MAHABIR SINGH SINDHU, J.

Petition under Section 438 of the Code of Criminal Procedure, 1973 has been filed for grant of pre-arrest bail to the petitioners in FIR No.81 dated 09.08.2023, under Sections 120-B 447 read with Section 511, 379, 427, 506, 148 read with Section 149 of the Indian Penal Code, 1860 (for short, '*the IPC*'), registered at Police Station Bareta, District Mansa.

2. Allegations are that that the petitioner along with other co-accused in prosecution of their common object, in the garb of staging '*dharna*', trespassed the Panchayati land with their tractors; caused damage to the crop; and committed theft of agricultural tools as well as 15 sacks of urea.

3. It transpires that present petition qua petitioner No.1-Bittu Singh, already stands disposed off as having been rendered infructuous vide order dated 09.10.2023.

4. This Court, on 09.10.2023, granted interim bail to petitioner No.1 and relevant part of the same is recapitulated as under:-

“Learned counsel, on instructions from the petitioners, submits that petitioner No.1-Bittu Singh has already been arrested; thus present petition qua him may be disposed off as having been rendered infructuous.

Ordered accordingly.

Contentends inter alia that Gram Panchayat is in possession of the land in dispute.

Notice of motion.

Mr. Joginder Pal Ratra, Sr. DAG, Punjab, accepts notice on behalf of the respondent-State and seeks time to have instructions and/or file written response in the matter.

Posted for 04.12.2023.

In the meanwhile, petitioner No.2-Satgur Singh, shall join investigation before the Investigating Officer. In the event of his arrest, the Arresting Officer would admit him to interim bail, till the next date of hearing, on furnishing adequate bail and surety bonds to his satisfaction. The petitioner shall also abide by all the conditions as envisaged under Section 438(2) of the Code of Criminal Procedure, 1973.”

5. Contentends that in terms of the aforesaid order, petitioner No.2 has already joined investigation and his custodial interrogation is not required.

6. Above factual position is duly acknowledged by learned State Counsel, on instructions from the police officer present in Court and further stated that custodial interrogation of the petitioner No.2 is not required at this stage.
7. In view of above, interim order dated 09.10.2023 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.
8. It is also made clear that petitioner No.2 shall fully co-operate with the Investigating Officer as and when called for further investigation.
9. The above observations may not be construed as an expression of opinion on merits of the case; rather confined only to decide the present bail matter.
10. Disposed off accordingly.
11. Pending application(s), if any, shall also stand disposed off.

04.12.2023

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(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No