

In the High Court for the States of Punjab and Haryana
At Chandigarh

CRM-M-2740-2024 (O&M)
Date of Decision:-21.8.2024

Ajaib Singh and others... Petitioners

Versus

State of Punjab... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Rhythem Bajaj, Advocate for the petitioners.
Mr. Siddharth Attri, AAG, Punjab.

FIR No.	Dated	Police Station	Section/s
82	15.6.2023	Meharban, Ludhiana, District Ludhiana	384 and 34 of Indian Penal Code

GURVINDER SINGH GILL, J. (Oral)

1. The instant petition has been filed on behalf of the petitioners seeking grant of anticipatory bail in respect of aforementioned FIR.
2. At the time of issuance of notice of motion, the following order was passed on 19.1.2024:

“The petitioners seek grant of anticipatory bail in respect of a case registered against them vide FIR No.82 dated 15.6.2023, Police Station Meharban, Ludhiana, under Sections 384, 34 IPC.

The FIR in question was lodged at the instance of JE Pankaj Verma, Mining Inspector, wherein it is alleged that he had received a video through WhatsApp from a secret informer to the effect that an amount of Rs.200/- per tractor trolley was being collected as *gunda* tax in the name of Gurdwara Sahib for taking sand from the



mining site of village Ghari Fazal. The person seen in the said video is stated to be disclosing that Gram Panchayat had passed a resolution for collecting the said amount of Rs.200/-. It has also been stated by the said person that inquiries be made from Gurnam Singh, Sarpanch. The other person seen in the video is stated to be Chowkidar of Village Ghari Fazal.

Learned counsel for the petitioners submits that the petitioners are nowhere named in the FIR and are not even seen anywhere in the alleged video and had been implicated falsely because of some village factions as all the petitioners are members of the managing committee of the Gurdwara in the village.

Learned counsel further submits that even as per the FIR it is nowhere alleged that any person was specifically collecting the amount for his own use and that it is stated to be collected in the name of Gurdwara.

It has further been submitted that as a matter of fact there was a narrow passage to pass through the village and since the villagers were facing some difficulty for smooth flow of traffic particularly of tractor trolleys, the Panchayat had been requested to provide a passage and it was agreed that each tractor trolley passing through the passage so provided would pay an amount of Rs.200/- to the Gurdwara and that even during the course of investigation the receipts issued by the Gurdwara had been collected which clearly show that it is a case of some kind of mutual arrangement between the villagers and Panchayat and the amount so collected was to be used for development of the Gurdwara.

It has further been submitted that all the petitioners are aged between 57 to 71 years and are permanent villagers of the village and it cannot be said that they were collecting any kind of *gunda* tax. It has further been submitted that in any case it is not even the case of the prosecution that the petitioners were indulging in any illegal mining.

Notice of motion for 22.4.2024.



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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 the 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.”

3. Learned State counsel, upon instructions from the ASI Gurbakshish Singh, has informed that pursuant to interim directions, the petitioners have since joined investigation and they are not required for any custodial interrogation.
4. Having regard to the aforestated position, wherein the petitioners are stated to have joined investigation and are not required for any custodial interrogation, the instant petition is accepted and the interim directions issued by this Court vide order dated 19.1.2024 are hereby made absolute, subject to the condition that the petitioners shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438(2) Cr.P.C.

21.8.2024
Geeta

(Gurvinder Singh Gill)
Judge

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