

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

105

CRM M-14717 of 2024
Date of Decision: 21.03.2024

Sukhchain Singh

Versus

...Petitioner

State of Punjab

... Respondent

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Kamal Narula, Advocate, for the petitioner.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has filed the present petition under Section 438 of the Cr.P.C. with a prayer to grant pre-arrest bail to him in case FIR No.71 dated 03.06.2023 registered under Sections 379/447/34 of IPC at Police Station Zira, District Ferozepur.
2. Learned counsel for the petitioner contends that the petitioner has been falsely involved in the present case by the local police with some ulterior motive. He further contends that the land in dispute is jointly owned by both the parties and a dispute of civil nature has been given the colour of criminal offence illegally. He further contends that no specific role has been attributed to the present petitioner. Learned counsel for the petitioner has further placed reliance on orders dated 20.10.2023 passed by this Court in CRM M-41370 of 2023 and CRM M-42848 of 2023, whereby, the concession of anticipatory bail has been granted to the similarly placed co-accused Jarnail Singh and Harbhej Singh @ Gurbhej Singh.
3. Notice of motion.

4. On the asking of Court, Mr. I.P.S. Sabharwal, DAG, Punjab accepts notice on behalf of respondent-State. Learned State counsel has vehemently opposed the submissions made by the learned counsel for the petitioner on the ground that the petitioner had actively participated in the commission of the crime and the custodial interrogation of the petitioner is required in the present case.

5. I have heard learned counsel for the parties and perused the record.

6. It is not in dispute that two similarly placed co-accused Jarnail Singh and Harbhej Singh @ Gurbhej Singh have already been granted the concession of anticipatory bail by this Court. Even, the petitioner has undertaken to join the investigation in the present case.

7. Without commenting any further on the merits of the case, the present petition is allowed. The petitioner is granted concession of anticipatory bail, subject to the conditions as provided under Section 438(2) of the Cr.P.C. It will be open for the Investigating Officer to call the petitioner to join investigation, if so required, by issuing a written notice in this regard and he shall abide by the conditions mentioned in Section 438(2) of the Cr.P.C.

21.03.2024

amit rana

(N.S.SHEKHAWAT)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No