

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.17063 of 2023 (O&M)

Date of decision: 29th April, 2024

Gurmeet Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Gaurav Chopra, Senior Advocate with
Mr. Mohit Giri, Advocate for the petitioner.

Mr. Navdeep Singh, Dy. Advocate General, Punjab
for the respondent/State.

Mr. Anmol Partap S. Mann, Advocate for the complainant.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 438 Cr.P.C. in case FIR No.5 dated 18.03.2023 under Sections 420, 447, 468 and 471 of the IPC registered at Police Station NRI District Ludhiana.

2. On 26.04.2023, while noticing the following submissions made by learned counsel for the petitioner, this Court had granted the concession of interim bail to the petitioner and asked him to join investigation.

“Learned senior counsel for the petitioner inter alia submits that the petitioner has been falsely implicated in the FIR in question. He submits that it is an inter se dispute

between brothers. It has been further submitted that the petitioner is the exclusive owner in possession of land comprised in Khasra No.1164/4 at Village Gill, Ludhiana. The petitioner along with his brother i.e. the complainant was also joint owner to the extent of half share each in the land comprised in Khasra No.1164/1 at Village Gill, Ludhiana and had been in settled possession of the above Khasra numbers since the year 1985. As per notification issued by the State Government in the year 2010, land comprised in Khasra No.1164/1, which is jointly owned by the petitioner and the complainant, was sought to be acquired, however, Khasra No.1164/4 which belonged only to the petitioner had been wrongly acquired instead of Khasra No.1164/1.

Learned senior counsel submits that in order to seek rectification of the same, a civil suit titled as 'Gurmeet Singh Vs. Additional Chief Administrator GLADA' was filed by the petitioner. During the pendency of this suit, the Government had de-notified the land acquisition proceedings with respect to Khasra No.1164/1. Pursuant to this, letters were issued by the Government to the petitioner as well as the complainant seeking return of the amount of compensation received. However, the complainant had refused to return the above said compensation and had in turn filed a civil suit to challenge the letters issued by the Government asking for the return of compensation. In support of his submissions, learned senior counsel has drawn the attention of this Court to Annexure P-8. Learned

senior counsel for the petitioner has urged that it thus is apparent that since the complainant was not inclined to return the compensation amount, he had resorted to filing false and frivolous cases against the petitioner. It has also been submitted that an application for registration of an FIR was moved by the complainant against the petitioner before SHO Police Station Dehlon, Ludhiana, however, the police had found no substance in the allegations levelled against the petitioner qua tampering of any revenue records.

Learned senior counsel has submitted that rather it was the complainant himself who had clandestinely gotten the position of the Khasras numbers in question, which had been settled since 1985, changed on the basis of mutation dated 20.10.2022 which had also been challenged by the petitioner vide Civil Suit No.377 of 2023 titled as 'Gurmeet Singh Vs. Joginder Singh @ Rajwinder Singh'."

3. Learned senior counsel for the petitioner submits that in compliance of the order dated 26.04.2023, the petitioner has joined investigation and cooperated with the investigating agency.

4. Learned State counsel, on instructions, does not dispute the factum of the petitioner having joined investigation and cooperated with the investigating agency. He, on further instructions submits that the petitioner is not required for further investigation much less for his custodial interrogation.

5. In the circumstances, the petition is allowed and the interim order dated 26.04.2023 is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C. Needless to say, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the bail granted to him.

(MANJARI NEHRU KAUL)
JUDGE

April 29, 2024
rps

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