

2024:PHHC:133907



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

203

1. CRM-M No.22924 of 2024

Rajpreet Singh and another ... Petitioners

Vs.

State of Punjab ... Respondent

2. CRM-M No.26662 of 2024

Jagwant Singh ... Petitioner

Vs.

State of Punjab ... Respondent

Date of decision: 14.10.2024

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Rituraj Singh, Advocate,
for the petitioners.

Mr. Amandeep Singh, DAG, Punjab,
for the respondent-State.

Mr. Amit Choudhary, Advocate,
for the complainant in CRM-M No.22924 of 2024.

Mr. Kanwar Arun Singh, Advocate,
for the complainant in CRM-M No.26662 of 2024.

MANISHA BATRA, J. (Oral)

1. This order shall dispose of CRM-M No.22924 of 2024 titled as

Rajpreet Singh and another v. State of Punjab & CRM-M No.26662 of

2024:PHHC:133907



2024 titled as *Jagwant Singh v. State of Punjab*.

2. The present petitions have been filed by the petitioners seeking relief of anticipatory bail in case arising out of FIR No.0036 dated 05.04.2024 registered under Sections 447, 511, 379, 506 and 34 of IPC at Police Station Dehlon, District Police Commissionerate Ludhiana.

3. Brief facts relevant for the purpose of disposal of the present petitions are that the aforementioned FIR was registered on the basis of statement recorded by the complainant Narkewal Singh on 05.04.2024 alleging therein that he was a Non Resident Indian and was residing in Canada. He along with his wife Kamaljit Kaur owned a house measuring 11 Marlas at his native village Mehma Singh Wala, District Ludhiana. In December 2016, he had visited India. At that time, the petitioner-Jagwant Singh who is residing in his neighbourhood had offered to take care of cleaning etc. of his house. The complainant keeping in view their old relationship and by trusting him, had agreed to the same and had handed over keys of his house. The petitioner-Jagwant Singh had started taking care of his house situated in his neighbourhood as well as of the second house of the complainant which is situated at the outskirts of the village. Trusting him, the complainant had also given his agricultural land on lease to him. Subsequently, he came to know that the common wall of one of his house was damaged and the bricks of the said wall were removed by the petitioner-Jagwant Singh. The complainant questioned

2024:PHHC:133907



the petitioner-Jagwant Singh but he did not give any satisfactory reply. In the year 2020, the complainant came to India and found that the petitioner-Jagwant Singh had not only taken possession of his house but had demolished common wall of his house and had been using land abutting his house for tying his cattle. He had also stolen the bricks of walls of his house and had used the same for constructing his own house. When the complainant resisted to the same, the petitioner-Jagwant Singh along with his sons i.e. the petitioners-Rajpreet Singh and Kanwalpreet Singh had extended threats to face dire consequences and to kill him. On the basis of his complaint, FIR was registered. Investigation proceedings have been initiated and are underway. Apprehending their arrest, the petitioners moved applications for grant of anticipatory bail which have been dismissed by the Court of learned Additional Sessions Judge, Ludhiana.

4. It is argued by learned counsel for the petitioners that they have been falsely implicated in this case. The petitioner-Jagwant Singh had filed a suit for permanent injunction for restraining the complainant and others from interfering in his peaceful possession over the property in question and the FIR of this case is a counterblast to the same. The subject offences have not been committed by them. They have joined the investigation. Their custodial interrogation is not required. No useful purpose would be served by detaining them in custody. Therefore, it is

2024:PHHC:133907



urged that the petitions deserve to be allowed.

5. It will not be out of place to mention here that the petitioners in both the petitions were directed to join investigation vide orders dated 08.05.2024 and 24.05.2024 respectively and as submitted, they have joined the same and have fully cooperated. It is also relevant to say that on request of counsel for both the parties, the matter had been referred to Mediation and Conciliation Centre of this Court for some amicable solution to the dispute. However, as per the report received from Mediation and Conciliation Centre, the same could not be settled between the parties.

6. Learned State counsel assisted by learned counsel for the complainant has argued that keeping in view the nature of the allegations as levelled against the petitioners, they do not deserve to be given concession of anticipatory bail and their petitions are liable to be dismissed.

7. I have heard learned counsel for the parties at considerable length and have gone through the record.

8. The petitioners who are sons and father respectively are alleged to have taken unauthorized possession of land/property belonging to the complainant, are further alleged to have stolen the bricks of wall of house of the complainant and are further alleged to have criminally intimidated him. The petitioners have already joined the investigation. Their

2024:PHHC:133907



custodial interrogation is not required. The subject offences are triable by Magistrate. In view of the above discussed facts but without meaning to make any comment on the merits of the case, I am of the opinion that no purpose would be served by detaining the petitioners in custody. Accordingly, both the petitions are allowed and the orders dated 08.05.2024 and 24.05.2024 respectively granting interim bail to the petitioners are made absolute, subject to the compliance of the conditions laid down in Section 482(2) of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 (analogues to Section 438(2) of the Code of Criminal Procedure).

14.10.2024
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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No