



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

CRM-M-29688-2024 (O&M)
Date of Decision:-7.8.2024

Satwinder Singh and others ... Petitioners
Versus
State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Rajesh Bhateja, Advocate for the petitioners.
Mr. Siddharth Attri, AAG, Punjab,
assisted by ASI Jaspal Singh.

FIR No.	Dated	Police Station	Section/s
3	31.3.2024	NRI Moga, District Moga	379, 447, 448, 506, 120-B of Indian Penal Code

GURVINDER SINGH GILL, J. (Oral)

- The instant petition has been filed on behalf of the petitioners seeking grant of anticipatory bail in respect of aforementioned FIR.
- At the time of issuance of notice of motion, the following order was passed on 12.6.2024:

“Learned counsel for the petitioners contends that the petitioners have been falsely implicated as the present FIR is a counter blast of the civil dispute, the civil suit whereof filed by the complainant’s party has already been dismissed in default and the present FIR has been lodged just to harass the petitioners. Learned counsel also submits that petitioners are ready to join investigation as nothing is to be recovered from the them.



Notice of motion.

Mr. Amit Kumar Goyal, Addl. AG Punjab accepts notice on behalf of the respondent-State.

Adjourned to 07.08.2024.

Meanwhile, in the event of arrest, the petitioners are ordered to be released on interim bail on their furnishing personal/surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioners shall continue to join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.”

3. Mr. Param Preet Singh Brar (Jhakharwala), Advocate has put in appearance on behalf of the complainant and has filed *Vakalatnama*, which is taken on record.
4. Status report by way of affidavit of Shri Gurpreet Singh, PPS, Deputy Superintendent of Police (NRI), Moga, District Moga has been filed by learned State counsel, which is taken on record.
5. Learned State counsel, upon instructions from ASI Jaspal Singh, has informed that pursuant to interim directions, the petitioners have since joined investigation. It has, however, been informed that the accused are not fully cooperating inasmuch as a small gate and bricks, which were stolen by them, are yet to be recovered.
6. Having considered the facts and circumstances of the case particularly the fact that the petitioners have already joined investigation, their custodial interrogation is not justified. The mere fact that a small gate and bricks have not been recovered, cannot be made a ground for dismissing the anticipatory bail.



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7. The instant petition, as such, is accepted and the interim directions issued by this Court vide order dated 12.6.2024 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.
8. However, since the dispute pertains to small piece of land and the complainant is stated to be NRI, the Illaqa Magistrate shall explore the possibility of some amicable settlement in case the same is possible.

7.8.2024
pankaj

(Gurvinder Singh Gill)
Judge

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