



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-30284-2024

DECIDED ON: 01.07.2024

GURWINDER SINGH AND ANOTHER ...PETITIONERS

VERSUS

STATE OF PUNJAB RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Harvinder Singh Maan, Advocate and
 Ms. Kirandeep Kaur, Advocate for the petitioners.

SANDEEP MOUDGIL, J (ORAL)

The jurisdiction of this Court has been invoked under Section 438 Cr.P.C., for grant of anticipatory bail to the petitioners in FIR No.43, dated 06.04.2024, under Sections 420, 447, 465, 467, 468, 471 and 120-B IPC and Section 82 of Registration Act, 1908, registered at Police Station Civil Lines Bathinda, District Bathinda.

Learned counsel for the petitioners contends that the instant FIR has been lodged on anonymous complaint, which is undated and on the basis of false and bald allegations which was addressed to the Governor of Punjab. He further asserts that the co-accused namely Ashok Kumar has already been granted the concession of interim anticipatory bail vide order dated 23.04.2024 by the Court of ASJ, Bathinda which was confirmed on 04.05.2024.

Notice of motion.

On the asking of the Court, Mr. Rajiv Verma, DAG, Punjab accepts notice on behalf of the respondent-State and on instructions from ASI Kaur Singh submits that though there is no recovery to be effected from

the petitioners for which the custodial interrogation would be considered to be must but submits that the land which was alleged to have been usurped by the present petitioners along with other co-accused is meant for the purpose of thermal plant and in fact the management of thermal plant has neither alleged nor taken possession of the land in question since the year 1969 and the same has been encroached upon by the petitioners and for that purpose the petitioners are required to be associated in the investigation.

Be that as it may, considering the aforesaid submissions particularly stand taken by learned State counsel that the petitioner is not required for custodial interrogation but the purpose would be served if he cooperates and joins the investigation to proceed further.

In the light of above, the petitioners are directed to be released on anticipatory bail subject to their joining investigation with the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to his satisfaction. The petitioners shall also abide by the terms and conditions as envisaged under Section 438(2) of Cr.P.C.

However, it is made clear that in case the petitioners does not comply with the aforesaid direction of joining the investigation within one week, the order passed by this Court today shall automatically stands cancelled.

The petition in the aforesaid terms stands allowed.

(SANDEEP MOUDGIL)
JUDGE

01.07.2024

Poonam Negi

Whether speaking/reasoned

Whether reportable

Yes/No

Yes/No