



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

(I) CRM-M-30723-2024 (O&M)

Amrinder Singh ... Petitioner

Versus

State of Punjab ... Respondent

(II) CRM-M-30752-2024 (O&M)

Surinder Singh ... Petitioner

Versus

State of Punjab ... Respondent

Date of Decision:-28.8.2024

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Dhanvinder Singh Nigha, Advocate for the petitioner.

Mr. Siddharth Attri, AAG, Punjab,
assisted by ASI Davinder Singh.

FIR No.	Dated	Police Station	Section/s
141	8.6.2024	Mataur, District SAS Nagar (Mohali)	406 and 420 of Indian Penal Code

GURVINDER SINGH GILL, J. (Oral)

1. This order shall dispose of the aforesaid two petitions filed on behalf of petitioner(s) Amrinder Singh and Surinder Singh seeking grant of anticipatory bail in respect of aforementioned FIR.



CRM-M-30723-2024 (O&M) &
CRM-M-30752-2024 (O&M);

(2)

2. Status reports by way of an affidavit of Sh. Deepak Parteek, IPS, Senior Superintendent of Police, District SAS Nagar have been filed in both the cases, which are taken on record.
3. At the time of issuance of notice of motion in both the cases, the following common order was passed by a Coordinate Bench of this Court on 28.6.2024:

“The petitioners have filed the present petitions under Section 438 Cr.P.C. seeking anticipatory bail in case FIR No.141 dated 08.06.2024 registered under Sections 406 and 420 of IPC at Police Station Mataur, District SAS Nagar (Mohali).

Learned counsel for the petitioners inter alia contends that the petitioners are father and son in relation and they have been falsely implicated in the present case. He further submits that upon presentation of complaint by the complainant, the police authorities have sought report from Incharge, Economic Offence Wing, who submitted the report that the dispute between the parties relates to civil in nature/contractual and therefore, no cognizable offence is made out. Despite that, an FIR has been registered against the petitioners. He further submits that the dispute is purely civil in nature which has been given criminal tinge. He has placed reliance upon the judgments passed by Hon'ble Supreme Court in ***Usha Chakraborty and another Vs. State of West Bengal and another : 2023 AIR (Supreme Court) 688*** and ***Paramjeet Batra Vs. State of Uttarakhand and others : 2014(6) RCR (Criminal) 187***. He further submits that complainant firm has removed five working cameras, two iron gates, 150 feet long iron jungla and 10 iron grills from the site and disposed them without the consent of the petitioners. He further submits that a suit for permanent injunction has also been filed by the petitioners against the complainant which is pending before the Civil Courts at Mohali. He further submits that the petitioners are not involved in any other case and are ready and willing to join the investigation.



CRM-M-30723-2024 (O&M) &
CRM-M-30752-2024 (O&M);

(3)

Notice of motion.

Mr. Karunesh Kaushal, AAG, Punjab, accepts notice on behalf of the respondent-State.

Senior Superintendent of Police., SAS Nagar (Mohali) shall file his own affidavit on or before the next date of hearing, explaining the circumstances as to how a civil dispute has been given criminal colour by registering the aforesaid FIR.

Adjourned to 28.08.2024.

In the meantime, petitioners shall join investigation before the Investigating Agency/Officer. In the event of arrest, the petitioners shall be released on interim bail subject to the satisfaction of the Arresting Officer/Investigating Officer. They shall abide by the following conditions as envisaged under Section 438(2) Cr.P.C:-

- 1) *That the petitioners shall make themselves available for interrogation by a police officer as and when required to do so.*
- 2) *That the petitioners shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.*
- 3) *That the petitioners shall not leave India without prior permission of the Court.*

A photocopy of this order be placed on the file of other connected case.”

4. Learned State counsel, upon instructions from ASI Davinder Singh, has informed that pursuant to interim directions, the petitioners have since joined investigation and they are not required for any custodial interrogation.
5. Having regard to the aforestated position, wherein the petitioners are stated to have joined investigation and are not required for any custodial interrogation,



CRM-M-30723-2024 (O&M) &
CRM-M-30752-2024 (O&M);

(4)

both the petitions are accepted and the interim directions issued by this Court vide common order dated 28.6.2024 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.

6. A copy of this order be placed on the file of each connected case.

28.8.2024
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(Gurvinder Singh Gill)
Judge

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