



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

211

CRM-M-39642-2024(O&M)
Date of Decision: 23.09.2024

JASBIR SINGH AND ORS
STATE OF PUNJAB

VERSUS

....Petitioners
....Respondent

CORAM : HON’BLE MRS. JUSTICE MANISHA BATRA

Present : Mr. M.S. Bhatti, Advocate for the petitioner.
Ms. Ruchika Sabherwal, Sr. DAG, Punjab.

MANISHA BATRA, J. (Oral)

The present petition has been filed under Section 438 of Cr.P.C.
seeking anticipatory bail in FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
128	29.09.2023	P.S. Raja Sansi, District Amritsar	379, 447, 425, 427, 506, 511, 120-B, 148, 149 of IPC (Section 420 of IPC was added later on) and Section 25 of Arms Act, 1959

2. Vide order dated 14.08.2024 passed by this Court, the
petitioners were released on interim bail and were directed to join
investigation. Order dated 14.08.2024 is reproduced as under:-

*“The petitioners herein are praying for grant of pre arrest bail
in case arising out of FIR No.128 dated 29.09.2023 registered
under Sections 379, 447, 425, 427, 506, 511, 120-B, 148 and
149 of IPC and Section 25 of Arms Act, 1959 at Police Station
Raja Sansi, District Amritsar Rural, on the basis of statement*



recorded by the complainant Ramesh Chand alleging therein that the co-accused Shiv Kumari, Pawan Kumar and Harpal Singh had ploughed the disputed land on 03.07.2023 over which paddy crop had been sown by Satnam Singh, the lessee of this land. An FIR bearing No.78 was registered against them on 05.07.2023. These three accused hatched a conspiracy to grab the disputed land by showing the accused Shiv Kumari as its lessee. It was alleged that on 28.09.2023, the accused Shiv Kumari, Pawan Kumar along with the present petitioners, the co-accused and some several unidentified persons went to the disputed land and harvested the paddy crop sown therein and took the same away in a tractor trolley. After registration of FIR, investigation proceedings have been initiated and are underway. Offence under Section 420 of IPC was added during the course of investigation. Some of the co-accused have since been extended benefit of pre arrest bail. The petitioners had also moved applications for grant of bail which have been dismissed by the Court of learned Additional Sessions Judge, Amritsar.

It is argued by learned counsel for the petitioners that there is civil dispute qua the land in dispute and it actually belongs to the village panchayat. They have been falsely implicated in this case due to party faction. The complainant does not even belong to their village. The lessee Satnam Singh has not lodged any complaint against them. The co-accused has been extended benefit of pre arrest bail. On the ground of parity, the petitioners too deserve to be granted the same concession. Hence, it is argued that the petition deserves to be allowed.

Notice of motion.

Learned State counsel who has advance notice of the petition seeks time to file reply.



Adjourned to 12.09.2024.

In the meantime, the petitioners are directed to appear before the Investigating/Arresting Officer to join investigation within ten days or as and when required. In the event of their arrest, the Investigating/Arresting Officer shall release the petitioners on interim bail on furnishing personal/surety bonds to his/her satisfaction. The petitioners shall also abide by the conditions as envisaged under Section 438(2) Cr.P.C.”

3. Learned State counsel has filed status report dated 09.09.2024. The same already stands taken on record. He further, on instructions from the investigating officer states that all the petitioners have joined the investigation. However, recovery of tractor has been effected from petitioner no.3 (Amarjit Singh). Their custodial interrogation is not required. No useful purpose would be served by detaining them in custody. In view of the said facts but without commenting on the merits of the case, the present petition is allowed and the order dated 14.08.2024 granting interim bail to the petitioner is made absolute, subject to the conditions laid down in Section 482 (2) of Bharatiya Nagarik Suraksha Sanhita (for short BNSS), 2023.

23.09.2024
Deepak Patwal

(MANISHA BATRA)
JUDGE

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| 1. <i>Whether speaking/reasoned</i> | <i>Yes/No</i> |
| 2. <i>Whether reportable</i> | <i>Yes/No</i> |