



CRM-M-39616-2024

-1-

226

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-39616-2024
Date of Decision: August 22, 2024

Malook Singh and another
.....Petitioners
Versus
State of Punjab
.....Respondent

CORAM: HON'BLE MR.JUSTICE RAJESH BHARDWAJ

Present: Mr.Vipin Mahajan, Advocate with
Ms.Chandanpreet Kaur Ahluwalia, Advocate
for the petitioner.
Mr.J.S.Arora, DAG, Punjab.

.....

RAJESH BHARDWAJ, J.(ORAL)

1. Present petition has been filed under Section 483 of Bharatiya Nagrik Suraksha Sanhita, 2023, praying to grant regular bail to the petitioner in case FIR No.88, dated 11.07.2024, under Sections 329(3), 62, 304, 351(2), 3(5) of Bharatiya Nyaya Sanhita, 2023, registered at Police Station Chattiwind, District Amritsar Rural, Punjab.
2. Adumbrated facts of the case are that FIR was lodged on the statement of complainant/Bakshish Singh wherein he stated that on 10.07.2024 at about 7.00 p.m., co-accused alongwith petitioners came on the disputed land while abusing and forcibly took away his Mahindra Tractor and Trolley. It is further alleged that the petitioners tried to take the

**CRM-M-39616-2024****-2-**

possession of the land by ploughing the same with tractor. On the basis of the complaint, formal FIR was lodged and investigation was commenced.

3. The petitioners were arrested on 11.07.2024. They approached the Court of learned Additional Sessions Judge, Amritsar, praying for grant of bail, however, after hearing both the sides, the same was declined vide order dated 01.08.2024. Aggrieved by the same, petitioners are before this Court praying for grant of regular bail.

4. It has been contended by counsel for the petitioners that civil and criminal litigation between both the parties are pending as petitioner No.1 has also got registered FIR No.29, dated 19.03.2018, under Sections 420, 467, 468, 471, 120-B IPC, at Police Station Chattiwind, District Amritsar Rural against Manjit Singh, Gurjit Singh, Dilbagh Singh, Bakshish Singh (the present complainant) and two other persons and the case is pending trial for prosecution evidence. Petitioner No.1 has also filed a civil suit for declaration challenging the GPA, dated 13.07.2010 and sale deeds executed on the said GPA on the ground that the executants of said GPA died long back, copy attached as Annexure P-4. It is further submitted that complainant also got initiated the proceedings under Section 145 Cr.P.C. on the land in dispute and the matter is pending before this Court. He submits that petitioners are behind bars since 11.07.2024 and challan has not been filed as yet. He submits that investigation is complete and there is nothing to be recovered from the petitioners. It is also submitted that petitioner No.1 is also involved in one more FIR bearing No.28, dated 15.04.2016, under Sections 445, 34 IPC, registered at Police Station Chattiwind, District

**CRM-M-39616-2024****-3-**

against petitioner No.2. It is further submitted that co-accused of the petitioners have already been granted interim anticipatory bail by this Court vide order of even date passed in CRM-M-40575-2024 and thus, the petitioners be also released on bail.

5. Learned State counsel, on the other hand, has opposed the submissions made by counsel for the petitioners. He has placed on record separate custody certificates of the petitioners, which show that both the petitioners have undergone one month and eleven days as on 22.08.2024. He further submits that investigation is still going on. He also admits that co-accused of the petitioners have been granted concession of interim anticipatory bail.

6. Heard.

7. Evidently, petitioners are behind bars since 11.07.2024. Challan has not been filed as yet. Civil dispute is also pending between the parties. There is nothing on record to show that the petitioners have any criminal antecedents. Veracity of the allegations would be assessed by the trial Court only after appreciation of evidence to be led by both the parties. However, this Court would refrain itself from commenting anything on merits of the case, at this stage. In the overall facts and circumstances of the case, this Court finds that counsel for the petitioners succeed in making out a case for grant of bail to the petitioners.

8. In the totality of facts and circumstances and without making any observation on merits, present petition is allowed. Petitioners be enlarged on bail on his furnishing bail/surety bonds subject to the



CRM-M-39616-2024

-4-

shall be treated as an expression of opinion on the merits of the case.

August 22, 2024

(RAJESH BHARDWAJ)
JUDGE

meenuss

- | | | |
|----|-----------------------------|--------|
| 1. | Whether speaking/reasoned ? | Yes/No |
| 2. | Whether reportable ? | Yes/No |