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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-40427-2024
DECIDED ON: 27.08.2024

MANJIT SINGH AND ORS

.....PETITIONERS

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. A.S. Brar, Advocate
for the petitioners.

Mr. Rajiv Verma, DAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

1. Relief sought

The jurisdiction of this Court has been invoked under Section 482 BNSS, 2023 for grant of anticipatory bail to the petitioners in FIR No.102, dated 20.07.2024, under Sections 329(3), 351(2), 303, 324(5), 190 of BNS, 2023, registered at Police Station Baghapurana, District Moga.

2. Prosecution story setup in the present case as per the version in the FIR as under:-

“Statement of Nirmal Singh son of Surjit Singh son of Kiar Singh, resident of Ghollian Kalan, aged about 41 years, mobile No.87290-40422. Stated that I am resident of the said address and I do agricultural work. I have taken 7 Killa 16 Marla land of Satwinder Kaur wife of Jagdeep Singh son of Bhajan Singh, r/o Village Ghollian Kalan on lease for 10 years on 25.10.2021 and its agreement in writing is also available with me. I have

been cultivating the said land continuously. On 17.07.2024 at about 02:00 PM, I and my father Surjit Singh were present in our fields for agricultural work, then Jagdeep Singh son of Bhajan Singh alongwith Goga Singh son of Pala Singh, Harbans Singh son of Gurnam Singh, Amarjit Singh son of Harbans Singh, residents of Ghollian Kalan came there on a red colour tractor Arjun, which was being driven by Goga Singh and followed by another tractor of blue colour blue, which was being driven by Rajdeep Singh son of Harbans Singh, resident of Ghollian and with whom, two more unknown persons and behind them, there was one another tractor of Sonalika, colour blue, which was being driven by an unknown person. All three tractors were attached with cultivators. Ahead of said tractors, there was a Scorpio car bearing No.PB-29P-7607, colour white, in which, Manjit Singh son of Sukhmandar Singh, Rajinder Singh son of Makhan Singh, residents of Dalluwala and Gumdoor Singh son of not known, resident of Cheeda and Sukhmandar Singh son of not known, resident of Deviwala were there and 2/2 unknown persons were also there on two different motorcycles. All these persons came there. They came up to the motor room in the fields, where my father and I were having meals. Out of them, Jagdeep Singh stopped the tractor just behind and raised lalkara that today, Nirmal Singh should be taught lesson for taking the land on lease without getting his permission. Jagdeep Singh on coming, grabbed me from my neck and grappled with me. My father started begging Jagdeep Singh etc. for not doing so, but Jagdeep Singh etc. also grappled with my father and on my seeing, Jagdeep Singh etc. with intention to take possession on the land, forcibly destroyed the maize crop planted on my 6 killa land with his own tractor and caused me loss of

about Rs.2.50 lakh. All of them were extending us threatening to kill. I and my father due to fear fled away from the spot. When I went to my fields next day, I saw that the gate of my motor room was open and the spray pump, two Kahi and other accessories were not present in the room. Till now, my talk at Panchayat level was going on but not materialized. Upon which, today, I alongwith my father Surjit Singh was coming to police station for reporting the matter but you met us at Bus Stand of Village Nathoke. I have also the stay order of Hon'ble Court and lease deed of taking land on lease, which I have produced before you. Jagdeep Singh etc., who plowed the maize crop planted on my leased land forcibly and caused me loss of Rs.2.50 lakhs and they have taken the land in their possession. They have also stolen away the spray pump, two Kahi and other accessories lying in my motor room. Please take appropriate legal action against all of them. I got recorded my statement before you, read it and the same is correct. Sd/- Nirmal Singh, verified the statement by LTI Surjit Singh son of Kiar Singh, resident of Ghollian Kalan. Attested by Sd/- Jagtar Singh, ASI PS Baghapurana, dated 20.07.2024.”

3. **Contention**

On behalf of the petitioners

Learned counsel for the petitioners contends that the dispute in question arises out of matrimonial discord with a motive to give it a criminal form whereas perusal of the FIR would clearly indicate that *prima facie* the offence under Sections 329(3), 351(2), 303, 324(5), 190 of BNS, 2023 are not made out, as the intent of causing loss that is in the form of destroying of maize crop over six acres of land *prima facie* is not made. He further

contends that the allegation in the FIR seems to be vague without any specific assertion qua the timing and date of the commissioning of such offence. It has been submitted on behalf of the petitioners that they are ready and willing to join the investigation and cooperate with the investigating officer.

On behalf of the State

Learned State Counsel appearing on advance notice, on instructions from ASI Ranjit Singh, opposes the prayer for grant of anticipatory bail by arguing that for effecting the recovery of tractors and iron discs used at the time of commissioning of offence, the custodial interrogation of the petitioners are required.

4. Analysis

Be that as it may, having given a considerable thought to the facts that the present dispute has arisen out of a matrimonial discord, which has been given a criminal colour and the custodial interrogation of the petitioners are not required in the instant case, as the recovery of aforesaid tractor as well as iron discs can be effected in case the petitioners do join the investigation, as has been undertaken before this Court by the learned counsel for the petitioners.

5. Decision

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 482(2) of

BNSS, which are reproduced below:-

‘When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including-

- (i) a condition that the person shall make himself available for interrogation by a police officer as and when required;*
- (ii) a condition that the person 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;*
- (iii) a condition that the person shall not leave India without the previous permission of the Court;*
- (iv) such other condition as may be imposed under sub-section (3) of section 480, as if the bail were granted under that section.’*

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

In the aforesaid terms, the present petition stands allowed.

(SANDEEP MOUDGIL)
JUDGE

27.08.2024
Poonam Negi

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>