



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-42505-2024

Date of Decision : 15.10.2024

MOHD. AKRAM AND ANOTHER

.....Petitioner(s)

VERSUS

STATE OF PUNJAB

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Kartik Kaushik, Advocate for
Mr. Sunny K. Singla, Advocate,
for the petitioner(s).

Mr. Sahil R. Bakshi, AAG, Punjab.

KULDEEP TIWARI, J.(Oral)

1. On 31.08.2024, this Court had passed the hereinafter
extracted order, upon the instant petition:-

“Through the instant petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS), prayer is made for grant of 'anticipatory bail' to the petitioners in case FIR no.39, dated 12.04.2019 (Annexure P-1), under Section 420 of the IPC, registered at Police Station Sadar Ahmedgarh, District Sangrur (now Malerkotla).

The plots in question bearing no.1272 and 1273, which are part of the shamlat deh, were allotted to one Habib, and Bant Singh, and later on these plots were alleged to be illegally possessed by one Sadiq Khan, and Rafiq Mohd., and they further alienated the possessory rights to Mohd. Lukman and Mohd.Akram (present petitioners). In view of the above facts, instant FIR was registered on a complaint made by Block Development and Panchayat Officer concerned.

In asking for the relief (supra), learned counsel for the petitioners submits that till date the prosecution agency, is not in possession of allotment letter, as issued to Habib and Bant Singh, to substantiate their allegation that the plots which were allotted to them, are not amenable to be alienated.

He further submits that the main co-accused-Sadiq Khan and Rafiq Mohd., have already been granted the relief of anticipatory bail vide Annexure P-2 and P-3.

Notice of motion.

Mr.Pardeep Bajaj, DAG, Punjab, accepts notice on behalf of respondent-State, and waives service.

Adjourned to 15.10.2024.

Meanwhile, the petitioners are directed to join the

investigation and on their doing so, the petitioners be released on interim bail subject to their furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioners shall continue to join the investigation as and when called upon to do so, and shall abide by the conditions as provided under Section 438(2) Cr.P.C. ”

2. Today, the learned State counsel has, on instructions imparted to him by the police official concerned, stated that pursuant to the making of the hereinabove extracted order, the petitioner(s) has joined investigation and he is no longer required for custodial interrogation.

3. In view of the above, the hereinabove extracted interim order dated 31.08.2024, is hereby made **absolute**, subject to the hereinafter extracted conditions:-

“(i) the petitioner(s) shall not commit an offence similar to the present offence;

(ii) the petitioner(s) shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case;

(iii) the petitioner(s) shall make himself/herself available for interrogation by a police officer as and when required.”

4. This order should not be treated as “blanket” order. It will not be read granting petitioner(s) indefinite protection from arrest. It shall be confined to the FIR mentioned *ibid* and will not operate in respect of any other incident that involves commission of an offence.

5. Needless to say that anything observed hereinabove shall not be construed to be an opinion on the merits of the case.

6. All pending application(s), if any, also stand **disposed** of accordingly.

October 15, 2024

dharamvir

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned. : Yes/No

Whether Reportable. : Yes/No