

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

207

CRM-M No.46426 of 2024

Date of decision: 13.12.2024

KANWALJIT SINGH @ KAWALJIT SINGH AND ORS.

.... Petitioners

Versus

STATE OF PUNJAB

.... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present : Mr. Gagandeep Singh, Advocate for the petitioners.

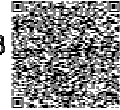
Ms. Ruchika Sabherwal, Sr. D.A.G., Punjab.

MANISHA BATRA, J. (oral)

1. Prayer in this petition, filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS'), is for grant of anticipatory bail to the petitioner in case FIR No.232 dated 19.08.2024 registered under Sections 457, 380 and 34 of IPC at Police Station Civil Lines Batala, District Gurdaspur.

2. Vide order dated 18.09.2024, passed by this Court, the petitioner was granted interim bail and was directed to join investigation. Order dated 18.09.2024, passed by this Court, reads as under:

“The instant petition has been filed by the petitioners seeking pre arrest bail in case arising out of FIR No.232 dated 19.08.2024 registered under Sections 457, 380 and 34 of IPC at Police Station Civil Lines Batala, District Gurdaspur on the basis of written complaint alleging therein that petitioner No.3 who is his brother along with remaining petitioners who are family members of petitioner No.3 had been trying to take illegal



possession of the property owned by him on the basis of false documents since the complainant along with his family members are residing in Canada. He also alleged that on 12.07.2023, the petitioners had removed the CCTV cameras installed in his house and had committed the theft of articles including two double beds, sofa set, cooler, microwave, RO, refrigerator, wardrobe, CCTV cameras from the house which were purchased by utilizing money sent by the complaint. He further alleged that they were extended threats to implicate him in false cases.

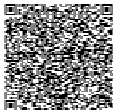
It is argued by learned counsel for the petitioners that they are living in the house in dispute for the last 30 years. After the death of the mother of petitioner No.3 and in pursuance of a compromise which arrived at between the parties on 02.10.2023, the petitioners had vacated the said house and had shifted articles belonging to them to their new house. No act of theft had been committed by them. They are ready to join the investigation. Their custodial interrogation is not required.

Notice of motion.

Learned State counsel who has appeared on advance notice of the petition, seeks time to file status report in the matter.

At this stage, Mr. Vaibhav Narang, Advocate appeared and has filed his memo of appearance on behalf of the complainant. He seeks time to file his vakalatnama as well as reply in the matter.

Adjourned to 13.11.2024.



In the meantime, the petitioners are directed to appear before the Investigating/Arresting Officer to join investigation within one week or as and when subsequently required thereafter. In the event of their arrest, the Investigating/Arresting Officer shall release the petitioners on ad-interim bail subject to his/her satisfaction. The petitioners shall also abide by the conditions as envisaged under Section 482(2) of BNSS.”

3. Thereafter vide order dated 13.11.2024, the petitioner was again directed to join the investigation.
4. Learned State counsel, on instructions from the Investigating Officer, has submitted that the petitioner has joined investigation in compliance of order dated 13.11.2024 and recovery of some of the stolen articles has been effected and he is not required for custodial interrogation.
5. Keeping in view the above mentioned facts and circumstances, without commenting on the merits of the case, the present petition is allowed and the order dated 18.09.2024, granting interim bail to the petitioner, is made absolute, subject to compliance of usual terms and conditions requisite for grant of anticipatory bail.

(MANISHA BATRA)
JUDGE

13.12.2024
Jyoti-IV

Whether speaking/reasoned:	Yes/No.
Whether reportable :	Yes/No