

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

213

CRM-M-62791-2023 (O&M)
Date of decision: 12.03.2024

KULWINDER SINGH AND OTHERS

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. Rahul Sharma, Advocate for the petitioner(s).

Mr. Ankit Grewal, DAG Punjab.

Mr. Avinit Avasthi, Adovcate for the complainant.

SANJIV BERRY. J. (Oral)

By way of present petition filed under Section 438 of the Code of Criminal Procedure, 1973, petitioners seek anticipatory bail in case FIR (Annexure P-1) as under:

FIR No.	Dated	Sections	Police Station
143	01.12.2023	82 of the Registration Act, 1908; 13A of the Punjab Village Common Lands (Regulation) Act, 1961; 447, 420 and 120-B IPC	Banur, District Patiala

2. Learned counsel for the petitioners has submitted that in compliance to the order dated 12.02.2024 passed by this Court, the petitioners have already joined the investigation and as such interim bail granted to the petitioners may be confirmed.

3. Learned State counsel, on instructions from ASI Hardev Singh has intimated that the petitioners have joined investigation and are no more required

for any custodial investigation in this case nor they are required for further investigation.

4. Heard.

5. During the course of hearing on 12.02.2024, the following order was passed:-

“2. It is, inter alia, contended by learned counsel for the petitioners that instant FIR (Annexure P-1) had been registered against the petitioners solely on the ground that the petitioners had violated the interim order of status quo dated 20.01.2020 passed by this Court in CM-721-CWP-2020 in CWP-14346-2019, titled as 'Bachan Singh and others vs State of Punjab and others'. He contends that the alleged sale deed is dated 20.03.2020, whereas FIR in question has been registered on 01.12.2023, after a lapse of more than 03 years due to party faction. He contends that the aforesaid CWP-14346-2019 (supra) has since been dismissed by this Court vide order dated 12.01.2024 (Annexure P-11) by holding that the petitioners in that case are not entitled to the land measuring 12 bighas 10 biswas out of khasra No. 80 of the village Kalauli Jattan and that it was no where reserved for Ramdasia Community but the same is Abadi Deh of the village Kalauli Jattan. He contends that the case of the prosecution is based on documentary evidence, therefore, the custodial interrogation is not required and the petitioners having no criminal antecedents are ready to join investigation.

3. Per contra, learned State counsel assisted by learned counsel for the complainant, by referring to the reply submitted by the Deputy Superintendent of Police, District Rajpura, have assailed these arguments by submitting that the petitioners have intentionally violated the status quo order passed by this Court and got the sale deed in question registered in conspiracy with each other. As such the petitioners do not deserve concession of anticipatory bail and pray for dismissal of the petition. However, passing of the order dated 12.01.2024 passed in CWP-14346-2019 (supra) has not been disputed.

4. Considering the respective submissions and perusing the record, without commenting on the merits, it is deemed appropriate at this stage, that the petitioners shall join investigation before deciding the bail petition on merits. Accordingly, the petitioners are directed to join investigation within 07 days from today and in the event of their arrest, they are ordered to be released on interim bail on their furnishing personal/surety bonds to the satisfaction of the Arresting Officer/Investigating Officer. They shall also abide by conditions as envisaged under Section 438(2) Cr.P.C.

5. Adjourned to 04.03.2024.”

6. Keeping in view the above submissions made by learned State

CRM-M-62791-2023 (O&M)

counsel and the fact that the petitioners have joined the investigation consequent to the order dated 12.02.2024 passed by this Court, interim bail granted vide order dated 12.02.2024 is hereby confirmed, subject to conditions as envisaged under Section 438(2) Cr.P.C. Further the petitioners are directed to join investigation as and when required in future by way of written notice for such purpose to be served by Investigating Officer of this case upon the petitioners; they will not tamper with the evidence nor will influence the witnesses and will not leave the country without prior permission of the Court.

7. The petition stands allowed.

(SANJIV BERRY)
JUDGE

12.03.2024
S.Sharma(syr)

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/ No