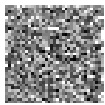


2025:PHHC:015893



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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-5895-2025
DECIDED ON: 04.02.2025

LAKHVIR SINGH

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Luvinder Sofat, Advocate
for the petitioner.

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 petitioner in FIR No.57, dated 19.04.2024, under Sections 447, 379, 380 and 120-B of IPC, 1860, registered at Police Station Passiana, District Patiala.

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

“At this time, it has been entered that one Complaint Number 2809/Peshi dated 06.04.2024 from Manpreet Kaur wife of Late Balwinder Singh, resident of Village Bhanra, Police Station : Pasyana, District Patiala, Mobile Number 97803- 20005 along with the annexed documents has been received through Hon'ble Senior Superintendent of Police, Patiala, after enquiry by Hon'ble S.P. City, Patiala, for registration of a case against Jarnail Singh son of Jang Singh, resident of Village Bathoyee, Lakhvir Singh son of Partap Singh, resident of Village Karhali, Rajpal Kaur alias Ramandeep Kaur wife of Lakhvir Singh, resident of Village Karhali, District Patiala, Charanjeet Kaur wife of Karamjeet Singh, resident of Village Dudhad, Lovepreet Kaur wife of Gurpreet Singh, resident of

Village Wazidpur and Gurpreet Singh son of Tara Singh, resident of Village Wazidpur, District Patiala, for the offence under Sections 447, 379, 380, 120-B I.P.C. through Post/ Dak from the DPO Office, Patiala, the contents of which are as under :- To Hon'ble S.S.P. Sahib, Patiala. Subject : Complaint against Jarnail Singh son of Jang Singh, resident of Village Bathoyee, Lakhvir Singh son of Partap Singh, resident of Village Karhali, Rajpal Kaur alias Ramandeep Kaur wife of Lakhvir Singh, resident of Village Karhali, District Patiala, Charanjeet Kaur wife of Karamjeet Singh, resident of Village Dudhad, Lovepreet Kaur wife of Gurpreet Singh, resident of Village Wazidpur and Gurpreet Singh son of Tara Singh, resident of Village Wazidpur, District Patiala, by colluding with each other, causing unauthorized harassment to me and for harvesting the Paddy crop forcibly earlier sown by me in the land in my share and possession and now they are preparing for harvesting the Wheat crop forcibly and openly threatening to kill me. Sir, It is humbly submitted that :- (1) That I Manpreet Kaur, Aadhaar Card Number 724703193325 wife/ widow of Late Balwinder Singh son of Shri Gurbakhsh Singh, am a resident of Village Bhanra, Tehsil and District Patiala. (2) That my marriage was solemnized in the year 2010 with Late Balwinder Singh son of Shri Gurbakhsh Singh, resident of Village Bhanra, Tehsil and District Patiala, as per Sikh rites and customs/ rituals with the consent of both the families. After the marriage, we both continued to live as husband and wife and during this period, our two children were born, out of which one is boy and one is girl. (3) That my husband was addicted to alcohol, Due to which he started falling ill and due the illness, my husband has died on dated 31.08.2023. My in-laws' family, with the intention of usurping the land to be received by me in inheritance, by putting up a ON COP OPTHE picket (Dharna) on the road, they have got registered a case F.I.R. Number 147 dated 01.09.2023 under Sections 306, 34 I.P.C. at Police Station: Pasyana, District Patiala against myself, my mother Jarnail Karu and my brother Kulwinder Singh, due to which, being compelled, I have to leave my in-laws' house, whereas after completion of its enquiry, this case has been cancelled. (4) That under the cover of this case, in my absence, Jarnail Singh, Gurpreet Singh and Lakhvir Singh and their companions by harvesting the Paddy crop during night with the Combines which was cultivated by us in my 62 Bighas land, stole the same and took away in their Tractor-Trolleys, regarding which legal action may kindly be taken against them. Besides this, I have to receive Rupees 06.00 Lakhs from Jarnail Singh, which may kindly be got paid/ returned to me. (5) Now they are prepared to harvest the Wheat crop forcibly, which has been cultivated/ sown by my Uncle (mother's brother - Maama) - Avtar Singh, resident of Village Pedhan, Tehsil and District Patiala on my behalf and they are threatening to kill me. Whenever I go to my fields to make a round, then they come there by bringing along the deadly/ lethal weapons and threaten to kill me, who can cause loss to my life and my property, I have been apprehending danger from them. If in future any harm/ loss is caused to me, then the said persons would be responsible. (6) Here, it is also worth mentioning that son Ghandeep

Singh, aged 12 years, has been forcibly kept by Jarnail Singh with him, I LESANO COP OF THE Suspect/ apprehend that in the greed/ voracity of land, they can harm to the life of my son also, because they are instigating him against me, whereas they are having no right to do so, my son is required to be handed over to me, upon which I am having the right, neither any person except me can look after and bring up him in a correct/ right manner nor any other person can think about his benefit except me. In this illegal/ illicit work, Gurpiar Singh and Karam Singh are openly assisting him/ them. (7) That now, when after cancellation of the case, I came to my house, then I saw that in my absence, my three sisters-in-law (husband's sisters - 'Nannans') have stolen from the big Iron Box ('Petti') and Almirah, which contained the valuable gold jewellery of 25 Tolas, Rupees One Lakh in cash (out of which Rs.40,000/- belonged to the Farmers Organization and Rupees 60,000/- were kept for household expenses), clothes and taken away by them, whereas all these articles were mine, which is required to be investigated/ enquired. In this theft, my three sisters-in-law (husband's sisters - 'Nannans') and their husbands also have been involved/ engrossed. After stealing the jewellery, they have locked my Store, by getting opened the same, the articles may be got recovered and the same may kindly be delivered/ handed over to me. (8) That the afore-mentioned persons by mutual consultation, by recording false and wrong statements and by picketing ('Dharna') have firstly got registered a false case against myself and my brother so that they can take SCRANZO COPY OF THE possession over my land forcibly. That after the death of my husband, they, instead of extending sympathy with me, they started hatching schemes to take possession over my land and they, after mutual consultations, got registered this false case against us and after conducting the enquiry therein, the entire truth came to light. (9) That the afore-mentioned accused are openly threatening me that if you lived at our Village Bhanra, then we will kill/ eliminate you, whereas I have been living in • the house having share and possession of my husband, upon which myself and my children are having their right. (10) That I am a peace loving and law abiding woman, whereas the afore-mentioned persons are quarrelsome, cunning/ vicious and greedy type persons. That for stealing by harvesting our cultivated Paddy crop, trying to take unauthorized possession over our land and threatening to kill us, action be taken as per Law against the afore-mentioned persons, they may be stopped to enter/ interfere in our land and myself and my children be granted justice. Thanking you, Dated : 01.04.2024, Yours faithfully”

3. Contention

On behalf of the petitioner

Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in the present case and false allegations of theft and trespass has been levelled against him. He submits that the present FIR is

nothing but a counter-blast to the FIR No. 147 dated 01.09.2023 registered under Sections 306 and 34 IPC at P.S. Passiana, District Patiala which was registered against the complainant. He further submits that the dispute involved in the present case emanates out of a family discord. He points out that similarly situated co-accused namely Jarnail Singh & Gurpreet Singh have also been granted concession of anticipatory bail vide order dated 28.08.2024 & 28.01.2025 respectively (Annexure P-5 collectively) passed in CRM-M-41480-2024 & CRM-M-4627-2025 respectively.

Notice of motion.

On behalf of the State/complainant

On the asking of Court, Mr. Jaspal Singh Guru, AAG Punjab, accepts notice on behalf of respondent/State. He on instructions from Investigating Officer vehemently opposes the prayer for grant of concession of anticipatory bail stating that the petitioner along with other co-accused harvested the crop belonging to the complainant and also committed theft of gold, cash, vehicles and other articles of the complainant. Though he could not controvert the fact that other two co-accused persons have already been granted the concession of bail.

4. **Analysis**

Be that as it may, having given a considerable thoughtful consideration to the submissions as made, by the counsel for both the parties, especially to the effect that the dispute involved in the present case emanates out of a family discord, other co-accused have also been granted concession of anticipatory bail and the present FIR is a counter-blast to the FIR No. 147 dated 01.09.2023 registered under Sections 306 and 34 IPC at P.S. Passiana,

District Patiala against the complainant, this Court finds no reason to deny the petitioner the concession of anticipatory bail, wherein the petitioner has bona fide intentions and is willing to join the investigation and cooperate for furtherance of the same so that the final report can be submitted by the Investigating Agency within the stipulated time period.

5. **Decision**

Hence, the petitioner is directed to be released on anticipatory bail subject to his 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 petitioner 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 petitioner does not comply with the aforesaid direction of joining the investigation within a

period of one week, the order passed by this Court today shall automatically stands cancelled.

In the aforesaid terms, the present petition stands allowed.

04.02.2025

Meenu

(SANDEEP MOUDGIL)
JUDGE

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