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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-42315-2024

Date of decision: 07.05.2025

JOGINDER SINGH AND ANOTHER

...Petitioners

VERSUS

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present: Mr. G.S. Randhawa, Advocate for the petitioners.

Mr. K.D. Sachdeva, DAG, Punjab.

Mr. Bikramjit Singh Baath, Advocate for the complainant.

SANJIV BERRY, J. (Oral)

By way of present petition filed under Section 438 Cr.P.C.,
petitioners seek anticipatory bail in case FIR (Annexure P-1) as under:

FIR No.	Dated	Sections	Police Station
53	02.05.2024	379, 457 and 149 of IPC	Sadar Gurdaspur, District Gurdaspur

2. Learned counsel for the petitioners has submitted that in compliance to the order dated 24.03.2025 passed by this Court, the petitioners have already joined the investigation and as such interim bail granted to the petitioners may be confirmed.
3. Counsel for the complainant has opposed the bail application on the ground that taking into consideration the nature and gravity of the offence, the petitioners are not entitled to grant of bail.



4. Learned State counsel, on instructions received from Investigating Officer 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.

5. Heard.

6. During the course of hearing on 24.03.2025, the following order was passed:-

“By way of present petition, petitioners seek anticipatory bail in case FIR as under: - FIR No. 53 Dated 02.05.2024 Sections 379, 457, 149 IPC Police Station Sadar Gurdaspur, District Gurdaspur

2. It is, inter alia, contended by learned counsel for the petitioners that the petitioners are innocent and have been falsely implicated in this case on the allegations of having taken away wheat crop from the land in question. He contends that the land in question is still in possession of the complainant and the case has been registered on account of party faction in the area. He contends that without admitting the allegations and without prejudice to their rights and liability, the petitioners are ready to deposit the amount of Rs. 2.00 lacs before the learned Trial Court towards the cost of said crop, subject, however, to disbursement upon the final adjudication of the case. He contends that the petitioners are ready to join investigation.

3. Learned State counsel has opposed the grant of bail by arguing that there are allegations against the petitioners of having taken away the crops from the field in question, hence, they are not entitled to bail.

4. Learned counsel appearing on behalf of the complainant had also opposed the grant of bail to the petitioners on the ground that the petitioners had taken the standing crop from the land in question, as such they are not entitled to concession of bail. However, he does not dispute the factum that the possession of the land in question is now with the complainant party.

5. Be it the case, without commenting on the merits of the case, it is deemed appropriate that the petitioners should join the investigation first before deciding the petition on merits and accordingly, the petitioners are hereby directed to join investigation within seven 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 482(2) of the Bharatiya Nagarik Suraksha Sanhita 2023 (BNSS).

6. This, however, shall be subject to the petitioners depositing Rs. 2.00 lacs before the Court of learned Chief Judicial Magistrate, Gurdaspur, and the amount, so deposited, by the petitioners, will be converted by the concerned Court in the shape of Fixed Deposit Receipt (FDR) fetching the maximum rate of interest in the name of the Court itself and be kept in safe custody. The said amount shall be disbursed only after the final outcome of the petition to the party, whosoever, is found entitled thereto.

7. List on 23.04.2025.

8. Investigating Officer (concerned) to remain present in Court along with relevant records on the date fixed.

9. A photocopy of this order be placed on the connected file. ”

7. Keeping in view the above submissions made by learned State counsel and the fact that the petitioners had joined the investigation consequent to the order dated 24.03.2025 passed by this Court, interim bail granted vide order dated 24.03.2025 is hereby confirmed, subject to conditions as envisaged under Section 482(2) of BNSS. 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.

8. The petition stands allowed.

9. It is made clear that anything contained hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(SANJIV BERRY)
JUDGE

07.05.2025
Priyanka Thakur

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No