
(2010) 11 P&H CK 0315

In the Punjab And Haryana At Chandigarh

Case No : Criminal M. No. M-17080 of 2010 (O and M)

Narang Singh, Charan Singh and Others

APPELLANT

Vs

State of Punjab and Another

RESPONDENT

Date of Decision : 16-11-2010

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 438, 438(2)
Penal Code, 1860 (IPC) — Section 148, 149, 379, 427, 434

Citation : (2010) 11 P&H CK 0315

Hon'ble Judges : Ram Chand Gupta, J

Bench : Single Bench

Judgement

Ram Chand Gupta, J.—This order will dispose of both the aforementioned petitions bearing CrI.M. Nos. M-17080 and 17578 of 2010, filed by petitioners u/s 438 Code of Criminal Procedure for grant of anticipatory bail to them in case FIR No. 83, dated 24.4.2010, under Sections 427, 434, 379, 506, 148, 149 IPC, registered at Police Station Mandi Gobindgarh, District Fatehgarh Sahib.

2. I have heard learned Counsel for the parties and have gone through the whole record carefully.

3. A coordinate Bench of this Court while issuing notice of motion in CrI.M. No. M-17080 of 2010, passed the following order on 8.6.2010:-

The allegations against the petitioners are that they were breaking burjies which were erected for demarcation of a land. It is a case of partition of panchayat land. The offence alleged against the petitioners would hardly be made out, says the counsel.

Notice of motion for 14.7.2010.

In the meanwhile, in the event of arrest of the petitioners, they shall be released on anticipatory bail to the satisfaction of the Arresting Officer, subject to the conditions contained in Section 438(2) Code of Criminal Procedure They will join

the investigation as and when required.

4. Another coordinate Bench of this Court, while issuing notice of motion in Crl.M. No. M-17578 of 2010, passed the following order on 23.6.2010:

Notice of the application to the Advocate General, Punjab for 14.7.2010.

To be heard alongwith CRM No. M-17080 of 2010.

In the meantime, in the event of arrest of the petitioner, he shall be admitted to interim anticipatory bail to the satisfaction of the Arresting Officer, subject to the conditions specified u/s 438(2) Cr.P.C.

5. It has been stated by learned Counsel for the petitioners that pursuant to the said orders, the petitioners have already joined the investigation.

6. It has been stated by learned State counsel as well that the petitioners have joined the investigation. However, bail applications have been opposed only on the ground that some burjies are yet to be recovered. Bail applications have also been contested by learned Counsel for the complainant.

7. Dispute is regarding demarcation of land. Partition of land is in dispute. The present petitioners were Panches and Sarpanches of the Gram Panchayat.

8. There are no allegations on behalf of the State that petitioners are likely to abscond or that they are likely to dissuade the witnesses from deposing true facts in the Court, if released on bail.

9. In view of these facts and without expressing any opinion on the merits of the case, orders dated 8.6.2010 and 23.6.2010, granting interim bail to petitioners- Narang Singh, Gurdev Singh @ Gurdeep Singh, Gurmukh Singh, Surjit Singh, Gulzar Singh and Charan Singh, are, hereby made absolute subject to the compliance of conditions contained in Section 438(2) Cr.P.C.

10. Both the present petitions stand disposed of accordingly.