

Boota Singh and Others Vs. Boota Singh and Others

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Court : Punjab and Haryana

Decided On : Jan-28-2014

Appellant : Boota Singh and Others

Respondent : Boota Singh and Others

Judgement :

Crl.M.No.M-43468 of 2013 (O&M) -1- IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Crl.M.No.M-43468 of 2013 (O&M) Date of Decision: January 28, 2014 Boota Singh and othersPetitioners v.

State of PunjabRespondent CORAM: HON'BLE MR.JUSTICE RAM CHAND GUPTA Present: Mr.Ranjan Lakhanpal, Advocate for the petitioners.Mr.Ashish Sanghi, DAG, Punjab....RAM CHAND GUPTA, J.(Oral) The present petition filed under Section 438 Cr.P.C.is for grant of anticipatory bail to the petitioners in case FIR No.232, dated 1.12.2013, under Sections 379, 427, 447 IPC, registered at Police Station Dharamkot, District Moga.

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

This Court while issuing notice of motion on 19.12.2013, passed the following order: Inter alia contends that petitioners have inherited the land in dispute from Jangir Kaur, who was their grand-mother and that the complainant claims right in

the land by way of two sale deeds executed in his favour by Jangir Kaur.

However, it is contended that the alleged sale deeds have been challenged by father of the petitioners by filing civil suit in which order for maintaining status quo was granted by civil Court in favour of father of the petitioners. Further submitted that in order to pressurize the petitioners to withdraw the civil suit, the present FIR has been registered.

It is further submitted that moreover it is a case of no injury and only allegation is that some trees were Meenu 2014.01.28 17:24 I attest to the accuracy and integrity of this document chandigarh CrI.M.No.M-43468 of 2013 (O&M) -2-damaged and wires were stolen.

Further submitted that however, there was no question of damaging trees or wires being stolen as petitioners have been continuing in possession of the land in dispute and they have also been recorded as such in the revenue record.

Notice of motion to Advocate General, Punjab, for 28.1.2014.

However, in the meantime, petitioners are directed to join the investigation and in case they are arrested, they shall be released on interim bail by the Arresting Officer to his satisfaction subject to compliance of conditions specified under Section 438(2) Cr.P.C.

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It has been stated by learned counsel for the petitioners that pursuant to the said order, the petitioners have already joined the investigation.

It has been stated by learned State counsel as well on instructions from HC Harnek Singh that the petitioners have joined the investigation and that they are no more required for any custodial interrogation by the police.

Bail application is not opposed.

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.

In view of these facts and without expressing any opinion on the merits of the case, order dated 19.12.2013, granting interim bail to petitioners-Boota Singh, Sukhmander Singh @ Maddi and Jagsir Singh @ Kamma is, hereby made absolute subject to the compliance of conditions contained in Section 438(2) Cr.P.C. The present petition stands disposed of accordingly.

28.1.2014 (Ram Chand Gupta) meenu Judge Meenu 2014.01.28 17:24 I attest to the accuracy and integrity of this document chandigarh

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