

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

Crl.Misc.No.M-15988 of 2013
Date of decision: 1.4.2015

Vishal Chawla ... Petitioner
versus
State of Punjab and another ... Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH.

Present: Mr.Navkiran Singh, Advocate,
for the petitioner.
Mr.P.S.Bajwa, Addl.AG, Punjab
Mr.R.S.Atwal, Advocate,
for respondent No.2.
...

AMOL RATTAN SINGH, J. (Oral)

In response to the order dated 11.3.2015, affidavit of the Commissioner of Police, Jalandhar, has been filed, giving therein the details of the litigation pending between the petitioners' principal, M/s Carona Limited, and the principal of respondent No.2, i.e. Amardeep Singh Bains, who is the owner of the property in question, with respondent No.2 being his attorney.

As per the said affidavit, the company, i.e. M/s Carona Limited, has not been found to be in possession by the civil court, before which the suit for permanent injunction was instituted by the company on 5.11.2011, consequently leading to dismissal of the application under Order 39 Rules 1 and 2 CPC, as also of the appeal filed against the order of the trial court, dismissing such application.

The present case arises out of an FIR registered on the allegation that the petitioner, alongwith his co-accused, forcibly broke open

the locks of the property in dispute and entered the same on 8.11.2011.

Obviously, since the applications seeking stay in favour of the principal of the present petitioner have been dismissed on a finding that he and his company were not in possession on 5.11.2011, prima facie at least, without making any further comment on that issue, the allegations made in the FIR need to be investigated.

In view of the above, the present petition is dismissed. However, nothing said herein above will prejudice, either the trial court in the civil matter, or the investigating agency or, if it comes to that stage, even the trial court upon any report being filed under Section 173 Cr.P.C. It is further clarified that this observation itself would not be taken by the investigating agency to be an indication that such a report must be filed or should not be filed against the petitioner. The investigation shall proceed wholly on its own merit.

Interim order stands vacated.

1.4.2015
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(AMOL RATTAN SINGH)
JUDGE