

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-21924 of 2015
Date of Decision : 15.07.2015

Gurdev Singh @ Bittu

.....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE R.P. NAGRATH

1. *Whether Reporters of the local papers may be allowed to see the judgment?*
2. *To be referred to the Reporters or not?*
3. *Whether the judgment should be reported in the digest?*

Present: Mr. Daman Jeet Bhoriwal, Advocate
for the petitioner.

R.P. Nagrath, J.

Prayer is made by the petitioner for the grant of pre-arrest bail under Section 438 Cr.P.C. in FIR No. 100 dated 20.05.2015 for offences under Sections 452, 380, 427, 447, 511, 148 and 149 of Indian Penal Code (IPC), registered at Police Station Zira, District Ferozepur.

The complainant is Surinder Pal Singh son of Hari Singh. It was stated that the complainant purchased about 12 to 13 marlas of the land from Sukhdeep Singh son of Bagicha Singh about 12 years ago. He got the approval from Municipal Council, Zira and constructed two rooms, drawing room, lobby, kitchen, store at ground floor alongwith porch for parking of the vehicle. He set up a garden and planted flower plants and also installed submersible bore.

It was further stated that the petitioner is residing towards eastern side of the property of complainant and the

names of persons occupying the properties on the west and south side are also mentioned in the FIR. On the north admittedly is the road.

The complainant had gone to Moga for shopping due to marriage of his son. Harjit Singh son of Parkash Chand informed the complainant telephonically at about 12.30 p.m. that the petitioner accompanied by 25 or 30 persons came there. They were all armed with hammers and spades and started demolishing the eastern side wall of the house of the complainant. Harjit Singh aforesaid tried to stop the miscreants but they did not. The complainant reached Zira at about 01.30 p.m. and went to the spot alongwith Sukhdev Singh son of Balbir Singh and Joginder Singh son of Mastan Singh and saw the petitioner accompanied by many number of miscreants who had demolished half of the eastern side wall of the construction and destroyed the garden and also took away the chairs and tables lying in the garden. On seeing the complainant, the petitioner and his associates fled from the spot.

Learned counsel for the petitioner, vehemently, contended that the petitioner had purchased 3 *marlas* 6 *sarsai* of the land out of *khasra* no. 469 from its owner Rajan Sachdeva and Amit Kumar vide sale deed dated 05.02.2015 and since the date of sale deed he is in possession of this property. Copy of the sale deed has also been attached.

I have heard learned counsel for the petitioner and perused the paper-book.

There is reference to the mutation dated 05.03.2015 in

favour of the petitioner on the strength of aforesaid sale deed.

If the petitioner had some right over the property, there was no reason for the petitioner to take alongwith so many of his associates and demolish the constructed portion of the house of the complainant. It is not that the complainant is a stranger but claiming the lawful right over the property in respect of which he is entered as owner to the extent of 34/213 share in the *khasra* number in question. If the petitioner has a right he could have legal recourse either before the civil court or by making complaint to the police, if permissible. But nature of the action taken and demolishing eastern side wall of the house would lead to total chaos and lawlessness and this is the manner of incident for which the petitioner does not deserve the concession of pre-arrest bail. The incident took place on 20.05.2015 and the FIR was also registered promptly on the same day. Therefore, I find that the learned Sessions Court has rightly declined the prayer for grant of pre-arrest bail.

Dismissed.

July 15, 2015

jk

**(R.P. NAGRATH)
JUDGE**