

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**Criminal Misc. No. M- 34526 of 2014
Date of Decision: 22.9.2015**

Parminder Singh and another

--Petitioners.

Vs.

State of Punjab

--Respondents.

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present : Mr. J.S. Mehndiratta, Advocate
for the petitioners.

Mr. K.D.Sachdeva, Additional A.G. Punjab.

Mr. Ritesh Pandey, Advocate
for the complainant.

RAMESHWAR SINGH MALIK J. (ORAL)

Petitioners seek pre-arrest bail in FIR No. 146 dated 6.9.2014 registered under Sections 380/427/448/456 IPC, at Police Station City Batala, Police District Batala.

Notice of motion was issued and interim protection was granted.

Learned counsel for the State, on instructions from ASI Balwinder Singh, submits that although the petitioners have joined the investigation but some bricks and other building material are yet to be recovered.

Learned counsel for the complainant opposes the present petition contending that learned civil court of competent jurisdiction dismissed the application of the petitioner, vide order dated 27.7.2015 in their civil suit No. 202 of 2014. Thus, learned counsel for the complainant as well as learned counsel for the State pray for dismissal of the present petition.

Having heard the learned counsel for the parties and after careful perusal of the record of the case, this Court is of the considered opinion that keeping in view the peculiar facts and circumstances of the case, custodial interrogation of the petitioners is not required, thus, petitioners are entitled for the concession of anticipatory bail.

In view of the above and leaving the claim of the complainant for recovering bricks and other building material open, instant petition is allowed and order dated 7.10.2014 passed by this Court is hereby made absolute, however, subject to the conditions envisaged under Section 438 (2) Cr.P.C.

Disposed of, accordingly.

(RAMESHWAR SINGH MALIK)
JUDGE

22.9.2015
AK Sharma