

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No. M-9402 of 2015 (O&M)

Date of Decision: 23.03.2015

Ved Parkash Dadhwal

....Petitioner

v.

State of Punjab

....Respondent

CORAM: HON'BLE MS. JUSTICE NAVITA SINGH

Present: Mr. P.S. Hundal, Senior Advocate with
Mr. Jashandeep Singh, Advocate for the petitioner.

Navita Singh, J.

Crl. Misc. No.9427 of 2015

Application is allowed. Annexures P.1 to P.3 are taken on record subject to just exceptions.

Crl. Misc. No. M-9402 of 2015

This petition has been moved by Ved Parkash Dadhwal under Section 438 of the Code of Criminal Procedure seeking anticipatory bail in case FIR No.18 dated 13.02.2014 registered under Sections 379/452/506/193/194/120-B/148 and 149 IPC at Police Station Bullowal, District Hoshiarpur.

It is mentioned in the FIR that accused No.1, i.e. Swami Swatantra Nand filed a suit against the complainant and others, which was decreed. First and second appeal were dismissed and the complainant then filed Special Leave Petition before the Supreme Court. It is not understandable as to how it is mentioned in the FIR that the complainant had filed an execution petition whereas he had actually lost in the civil

litigation. Further down it is mentioned that accused No.1 filed the execution petition and the complainant was summoned for appearance.

The occurrence as given in the FIR allegedly took place on 4.10.2012 on which date accused No.1 informed the trial Court that he had received the possession and his petition was dismissed as withdrawn. According to the allegations, possession was not actually delivered and rather all the accused had gathered in front of the factory of the complainant and started hurling abuses. They had wanted forcible possession and trespassed in the factory. They all were armed with deadly weapons.

Copy of passport of the petitioner is filed as Annexure P.2 here which shows that he left for the United Kingdom on 25.7.2012 and there is the immigration stamp and the date of his return was mentioned as 18.10.2012. He was not in India on the date of alleged occurrence.

In view of the above, it is felt that it would not be in the interest of justice to decline the relief claimed by the petitioner. The petition is allowed. The petitioner shall be released on bail to the satisfaction of the Arresting/ Investigating Officer as and when he comes to India. He shall appear before the Investigating Officer as and when called upon for investigation. He shall also be bound by the following conditions as contained in Section 438(2) Cr.P.C.:-

- (i) that the petitioner shall make himself available for interrogation by a police officer as and when required;
- (ii) that the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted

with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer; and

(iii) that the petitioner shall not again leave India without the previous permission of the Court.

**(NAVITA SINGH)
JUDGE**

**March 23, 2015
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