

*IN THE HIGH COURT FOR THE STATES OF PUNJAB
AND HARYANA AT CHANDIGARH.*

Cr. Misc. M 10344 of 2016
Date of decision: 17.5.2016

Amarjeet Singh

Petitioner

vs.

State of Haryana

Respondent

Present: Mr.Suresh Kumar Arya, Advocate.
Mr. CS Bakshi, Addl.A.G. Hry
Mr. Brijender Kaushik, Advocate.

M.M.S.BEDI,J.

The petitioner seeks the concession of pre-arrest bail in a case registered at the instance of his real brother Baldev Singh alleging that though the property, left by their father had been partitioned amongst the petitioner and the complainant but one shop, which was inherited by the complainant and was in possession of the complainant has been got transferred in the name of the petitioner.

Counsel for the complainant has intervened to oppose the petition for pre-arrest bail contending that as a matter of fact the petitioner has not placed on record the site plan of the shop, which consists of two parts, one part was given in partition to Baldev Singh whereas the second part was given to petitioner Amarjit Singh.

Counsel for the petitioner has submitted that a dispute regarding title and possession of shop, mentioned by the complainant, is pending in the civil court.

I have heard counsel for the parties and gone through the record. A perusal of the partition document between the brothers indicates that it will be a debatable issue during trial as well as during the civil

proceedings whether the shop, mentioned in paragraph 2 of the partition document, would constitute one shop or two shops as the site plan referred to by the complainant prima facie appears to be contrary to the contents of paragraph 2 of the partition document. The dispute being of civil nature; the petitioner having joined the investigation, it does not appear to be a case of custodial interrogation.

Accordingly, the petition is allowed and it is ordered that in case of arrest of the petitioner, he will be released on bail to the satisfaction of the arresting officer subject to the condition that he will join the investigation as and when required by the police and will not tamper with evidence or hamper the investigation.

Nothing said in this order will prejudice the rights of the parties in the civil litigation pending between them. It is further observed that nothing said in this order will be deemed to be an expression of opinion on the rights of the parties on the basis of the partition deed.

May 17 ,2016
TSM

(M.M.S.BEDI)
JUDGE