

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

(204)

CRM-M-10350-2016

Decided on: May 20, 2016.

Surinder Kumar and another

.... Petitioners

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. Veneet Sharma, Advocate, for the petitioners.

Ms. Harpreet Kaur Athwal, DAG, Punjab.

Ms. Aarti, Advocate, for the complainant.

M.M.S. BEDI, J (ORAL)

The petitioners have filed this petition under Section 438 Cr.P.C. for grant of pre-arrest bail in a case registered at the instance of Rajinder Kumar alleging that on 08.03.2013 the petitioners had demolished the wall and committed theft of bricks. The FIR was registered after the period of about two years.

Pursuant to the interim order passed by this Court, the petitioners have joined the investigation.

Learned counsel for the complainant has intervened to oppose application for pre-arrest bail contending that the petitioners have been involved in a large number of cases registered with effect from year 1999 to 2015. List of those cases has been placed on record.

I have considered the facts and circumstances of the case.

There appears to be a dispute regarding the possession of the property, which at present is under the possession of the petitioners. A civil litigation regarding the possession of the property is also pending. So far as the present case is concerned, all the offences except for Section 452 IPC are bailable. It will be a debatable issue during trial, if any offence under Section 452 IPC is made out.

On the instructions of HC Harvinder Singh, learned State counsel informs that the petitioners have joined investigation.

It does not appear to be a case of custodial interrogation.

In view of said circumstances, the petition is allowed. Interim order dated 22.03.2016 is hereby made absolute subject to the conditions that the petitioners will join investigation as and when required and will not indulge in similar activity of which they are accused of, during the entire period of trial and will also not tamper with the evidence or hamper the investigation in any manner.

(M.M.S. BEDI)
JUDGE

May 20, 2016
harsha