

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

CRM-M-11853-2016 (O&M)
Date of decision : 20.07.2016

Vikash @ Vicky

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: None for the petitioner.

ASI Bhagmal.

JITENDRA CHAUHAN, J. (Oral)

The petitioner seeks pre-arrest bail in case FIR NO.718 dated 23.11.2015, registered under Sections 380, 457, 427, 34 of the Indian Penal Code, at P.S. City Fatehabad.

On 06.04.2016, the following order was passed:-

“FIR in question has been registered on the accusation that the complainant has been forcibly evicted from a residential premise described as H.No.61A, Model Town, District Fatehabad.

The present petitioner seeking concession of pre-arrest bail is stated to be the owner of such residential premises.

Counsel during the course of arguments would advert to a compromise dated 17.10.2015 at Annexure P-2 which had been effected between the parties and the same having been furnished to the SHO, Police Station City Fatehabad, District Fatehabad and in which it is clearly recited that the complainant had been given the premises for residential purposes on friendly terms and without paying rent and the same

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would be vacated on or before 16.11.2015. It is the assertion made by learned counsel that the complainant had vacated the premises of his own accord and in pursuance to the compromise dated 17.10.2015 at Annexure P-2 and the allegations leading to the registration of the FIR are completely false. It is further contended that the petitioner is in possession of affidavits having been given by a number of persons of the neighbourhood and who have deposed that the complainant had vacated the premises himself.

Notice of motion, returnable for 20.07.2016.

In the meanwhile, petitioner is directed to appear before the Investigating Officer and to join investigation.

In the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting/Investigating Officer. The petitioner shall join investigation as and when called upon to do so and he shall remain bound by the conditions envisaged under Section 438(2) Cr.P.C.”

The I.O. submits that in pursuance of the order passed by this Court, the petitioner has joined the investigation and he is not required for custodial interrogation.

In view of the above, without expressing any opinion on the merits of the case, the interim bail granted by this Court vide order dated 06.04.2016, is made absolute, subject to the conditions contained in Section 438(2) Cr.P.C.

The petition stands allowed.

20.07.2016
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(JITENDRA CHAUHAN)
JUDGE