

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

CRM-M-18472-2016 (O&M)

Date of decision : 19.10.2016

Surmukh Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Neeraj Malhotra, Advocate for the petitioner.

Ms. Harsimrat Rai, DAG, Punjab,
assisted by ASI Tarlochan Singh.

JITENDRA CHAUHAN, J. (Oral)

The petitioner seeks pre-arrest bail in FIR No.159 dated 13.08.2015, registered under Section 3 of the Prevention of Damages to the Public Property Act, 1984, at P.S. City Rupnagar.

It is contended that the land along with constructed house and factory belonging to the petitioner was acquired by the Department and compensation was paid to him. Thereafter, the petitioner demolished a part of the structure and sold the *malba*. Learned counsel states that reserved price for the structure was assessed as Rs.15,22,700/- by the PWD, and the value of the remaining structure has been assessed as Rs.8,29,232/-. Therefore, even as per the case of the prosecution, the total loss allegedly caused by the petitioner is less than Rs.7,00,000/-, which the petitioner is ready and willing to deposit.

On the other hand, learned State counsel has opposed the instant petition. She, on instructions, states that though the petitioner has joined the investigation but he is not cooperating. The recovery is yet to be

ATUL SETHI
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authenticity of this document
Chandigarh

effected. Affidavit of Deputy Superintendent of Police (Rural), Distt. Rupnagar, filed in the Court is also taken on record.

Heard.

Keeping in view the fact that even as per the affidavit filed in the Court today, the loss incurred by the state is assessed as Rs.6,93,468/-, as against the initial version of Rs.15,22,700/-, which the petitioner is ready and willing to deposit, subject to the final outcome of the case and he has repeatedly joined the investigation in terms of the orders passed by this Court, without expressing any opinion on the merits of the case, the interim bail granted by this Court vide order dated 04.08.2016, is made absolute, subject to furnishing bail bonds/surety bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate concerned.

The petition stands allowed.

However, nothing noticed hereinabove shall be construed as an expression of opinion of this Court, on the merits of the case.

19.10.2016
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(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No