

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

(202)

CRM-M-2336-2016

Decided on: April 07, 2016.

Parminder Bajwa

.... Petitioner

Versus

State of Punjab

..... Respondent

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

Present: Mr. Paras Talwar, Advocate, for the petitioner.

Ms. Harpreet Kaur Athwal, DAG, Punjab.

Ms. Puja Chopra, Advocate, for the complainant.

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

The petitioner apprehends arrest in a case registered at the instance of Rohit Jain alleging that the petitioner along with two other co-accused had trespassed in the office of the complainant and on being interrupted by the complainant and his companion, they assaulted the complainant with a brick and damaged the glass of the office.

Perusal of the FIR shows that the allegation against the petitioner is that he had pushed Nikhil, friend of complainant on account of which he fell and then he was given slaps by the petitioner.

With the assistance of learned State counsel and SI Paramdeep Singh, I have gone through the police file, the medical evidence and the photographs of broken glass of table.

Learned counsel for the complainant has intervened to oppose application for bail on the basis of certain documents indicating that there is an old rivalry of the petitioner against the complainant pursuant to a property deal regarding PUDA plot of Paramjit Kaur which was allegedly promised to be given to the complainant by the petitioner but subsequently the petitioner allegedly played fraud and got the plot cancelled and later on manipulated the circumstances in such a manner that the plot was got allotted to his driver and subsequently sold it causing loss to the complainant on account of the fraudulent conduct.

Learned counsel for the complainant has also submitted that the petitioner is involved in two other criminal cases of cheating.

I have taken into consideration the totality of the circumstances.

There appears to be an old enmity between the complainant and the petitioner. Be that as it may, taking into consideration the circumstances of the present FIR, it appears to be a case of damage having been caused to the property of the complainant and the allegations are of mere assault and trespass.

Petitioner, pursuant to the interim order passed by this Court, has joined the investigation. Without prejudice to the right of the complainant to avail the legal remedies for the grievances against the petitioner, he can be granted concession of pre-arrest bail as it does not appear to be a case of custodial interrogation.

Petition is allowed. It is ordered that in case of arrest of petitioner, he will be released on bail to the satisfaction of the arresting officer subject to the following conditions:

- (1) That the petitioner will join investigation as and when required;
- (2) petitioner will not tamper with the evidence or hamper the investigation in any manner; and
- (3) petitioner will not indulge in similar activity of which he is accused of, during pendency of the trial.

In case of violation of any of the above conditions, the complainant will be at liberty to seek cancellation of bail.

Nothing mentioned in the order is intended to be read as a precedent for the other co-accused who are alleged to have evaded the process of law.

(M.M.S. BEDI)
JUDGE

April 07, 2016
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