

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-25082 of 2016 (O&M)

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Date of decision:11.8.2016

Amandeep Kaur and another

.....Petitioners

v.

State of Punjab

.....Respondent

....

Present: Mr. A.G.S. Dhillon, Advocate for the petitioners.

Ms. Shivali, Assistant Advocate General, Punjab for the
respondent-State.

Mr. Harneet Singh Oberoi, Advocate for Mr. Khushbir Singh
Khaira, Advocate for the complainant.

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Inderjit Singh, J.

This petition has been filed under Section 438 Cr.P.C. for grant
of anticipatory bail in case FIR No.188 dated 18.6.2016 registered for the
offences under Sections 379, 447 and 506 IPC at Police Station Tripuri,
District Patiala.

Notice of motion has been issued in this case.

Ms. Shivali, learned Assistant Advocate General, Punjab has
put in appearance on behalf of the respondent-State and Mr. Harneet Singh
Oberoi, Advocate appearing for Mr. Khushbir Singh Khaira, Advocate has
appeared for the complainant and contested this petition.

I have heard learned counsel for the petitioners as well as
learned Assistant Advocate General, Punjab appearing for the respondent-

State and learned counsel for the complainant and have gone through the record.

From the record, I find that the petitioners have already joined the investigation. They are no more required for custodial interrogation. Nothing is to be recovered from them. The allegations against the present petitioners are that they committed criminal trespass and encroachment into the residential property with an intention to usurp it. A perusal of the FIR further shows that there is agreement to sell between the parties on stamp paper. No useful purpose will be served by sending the petitioners to custody. The FIR is only for the offences under Sections 379, 447 and 506 IPC.

Keeping in view the facts and circumstances of the present case; without discussing the facts in minute detail and without expressing any opinion on the merits of the case, I find merit in this petition and the same is allowed. The interim order dated 26.7.2016 passed by this Court granting interim bail to the petitioners is made absolute. However, the petitioners shall join the investigation as and when called upon to do so and shall abide by the conditions of Section 438 (2) Cr.P.C.

August 11, 2016.

(Inderjit Singh)
Judge

hsp

NOTE:	Whether speaking/reasoned:	Yes
	Whether reportable:	No