

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

CRM-M-32667-2016

Date of decision: November 17, 2016

Sandeep Kumar @ Kala and another

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Sant Pal Singh Sidhu, Advocate
for the petitioners.

Mr. R.P.S. Sidhu, AAG, Punjab
for the respondent-State.

JASPAL SINGH, J.(ORAL)

By virtue of the instant petition has been preferred under Section 438 of the Code of Criminal Procedure, petitioners have sought pre-arrest bail, in case bearing DDR No.3, dated 14.07.2016, under Sections 436, 327, 379, 148, 149 IPC, registered as cross-version of case/FIR No.37 dated 13.07.2016, under Sections 452, 447, 323, 148, 149 IPC at Police Station Mullanpur, District SAS Nagar.

At the time of issuance of notice of motion vide order dated September 20, 2016, the following order was passed:-

“Inter-alia, it has been contended by learned counsel for the petitioners that the instant case is a version and cross version case. Initially, the FIR No.37, dated July 13, 2016 was got registered by the petitioners against the complainant party under Sections 452, 447, 323, 148 & 149 IPC, Police Station Mullanpur, District SAS Nagar. As a counter-blast thereto, complainant party got registered the instant DDR by incorporating various offences under Sections 436, 327, 379, 148 & 149 IPC. Learned counsel further contends that the complainant is neither co-owner or co-sharer in any of the part of land situated at village Ghadauli, District SAS Nagar, Mohali. Moreover, if at all, the contents of the FIR are be

taken to be true for the sake of arguments, offence under Section 436 IPC is not made out as the alleged Chappar/hut does not fall within the definition of dwelling house.

Notice of motion for 17.11.2016.

In the meanwhile, petitioners are directed to join the investigation. In the event of arrest, petitioners shall be released on interim bail at the satisfaction of the Arresting Officer/Investigating Officer subject to the conditions envisaged under Section 438(2) Cr.P.C.

At this stage, Mr. Narinder S. Lucky, Advocate, has put in appearance on behalf of the complainant. Copy of the petition be supplied to learned counsel for the complainant during the course of day.”

Learned State counsel on instructions from ASI Jasbir Singh, has submitted that petitioners have already joined the investigation in compliance of the order dated September 20, 2016 and are no more required for further interrogation/investigation.

In view of the aforesaid facts, order dated September 20, 2016 is made absolute, subject to the following conditions, as envisaged under section 438(2) Cr.P.C:

- 1) that the petitioners shall make themselves available for interrogation by a police officer as and when required;*
- 2) that the petitioners shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer;*
- 3) that the petitioners shall not leave India without the previous permission of the Court.*

November 17, 2016
m. sharma

(JASPAL SINGH)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No