

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

CRM No.M-33397 of 2016 (O&M)

Date of decision: September 28, 2016

Nagender Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. N.S.Shekhawat, Advocate
for the petitioner.

Mr. Vikas Chopra, DAG, Haryana.

Mr. Parmod Parmar, Advocate
for the complainant.

INDERJIT SINGH, J.

Petitioner-Nagender Singh has filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.275 dated 25.08.2016, registered at Police Station Bhondsi, District Gurgaon, under Sections 448, 451, 511, 188 of Indian Penal Code and Section 3 of the Prevention of Damage to Public Property Act, 1984.

Notice of motion was issued in this case.

Learned State counsel has appeared on behalf of the respondent-State and Mr. Parmod Parmar, Advocate has filed vakalatnama on behalf of the complainant and contested this petition. Police record is also available.

I have heard learned counsel for the parties and have gone through the record.

From the record, I find that the dispute between the parties is mainly regarding the possession over the property. Learned counsel for the petitioner contends that the petitioner is in possession, whereas the learned counsel for the complainant contends the complainant is in possession over the property in dispute. The case regarding possession over the property in dispute is already pending between the parties. Thus, the basic dispute between the parties is of civil nature.

Keeping in view the facts and circumstances of the present case; without discussing the facts of the case in minute details and without expressing any opinion on the merits of the case and no useful purpose will be served by sending the petitioner to custody, I find merit in this petition and the same is allowed and it is ordered that in the event of arrest, the petitioner be released on anticipatory bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.

September 28, 2016

rajesh.k.khurana

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned	:	Yes
Whether Reportable	:	No