

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

(213)

CRM-M-368-2016 (O&M)

Decided on: February 08, 2016.

Tejwant Singh

.... Petitioner

Versus

Union Territory, Chandigarh

..... Respondent

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

Present: Mr. Binderjit Singh, Advocate, for the petitioner.

Mr. Gautam Dutt, Addl. P.P. for U.T., Chandigarh.

Mr. Amit Singh Sethi, Advocate, for the complainant.

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

Petitioner is alleged to have trespassed into a portion of House No.1122, Sector 8-C, Chandigarh by breaking the locks and committing theft of the articles. Report of the investigating officer substantiates the plea of the complainant that possession of a room occupied by her has been taken by the petitioner.

During pendency of this petition, the parties have entered into a compromise. The petitioner has received two bank drafts for a total amount of Rs.29,50,000/- and given an undertaking in Court that he would hand over the exclusive possession of entire House No.1122, Sector 8-C, Chandigarh to complainant Jaswant Kaur or any of her authorized person by 31.12.2016. A copy of the compromise has been placed on record which has been made part of the record as Ex. C-1.

In view of above said circumstances, custodial interrogation of the petitioner is not warranted.

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 that the:

- (1) Petitioner will join investigation as and when required;
- (2) Petitioner will not in any manner threaten the complainant or any of her authorized person;
- (3) Petitioner will not tamper with the evidence or hamper the investigation in any manner;
- (4) Petitioner will comply with the terms of the compromise Ex.C-1;
- (5) Petitioner will hand over the actual physical possession of entire House No.1122, Sector 8-C, Chandigarh to Jaswant Kaur or any of her duly authorized representatives on or before 31.12.2016; and
- (6) Petitioner will not hand over the possession of House No.1122, Sector 8-C, Chandigarh to any third party and will not cause any damage to the building in the meantime.

In case of violation of any of the conditions, it will be open to the complainant or the State agency to approach this Court for cancellation of the bail or for an action on account of violation of the undertaking.

Two bank drafts have been handed over to the petitioner in the Court subject to final compliance of compromise Ex.C-1.

(M.M.S. BEDI)
JUDGE

February 08, 2016
harsha