

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

CRM No.M-38525 of 2015 (O&M)

Date of Decision: 19.02.2016

Mohd. Hanif Bhatti & another

... Petitioners

Versus

State of Punjab

... Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Mohd. Salim, Advocate for the petitioner.

Mr. D.S. Virk, AAG, Punjab.

Mr. Anil Shukla, Advocate for the complainant.

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TEJINDER SINGH DHINDSA, J.

This order shall dispose of the present petition filed under Section 438 Cr.P.C. seeking benefit of pre-arrest bail to the petitioners in case FIR No.76 dated 03.09.2015, under Sections 382/34 IPC, registered at Police Station City Malerkotla, District Sangrur.

While issuing notice of motion on 09.11.2015, the following order was passed by this Court:

“Counsel for the petitioners submits that petitioner No.1 is an ex-employee in the Municipal Corporation, Malerkotla and petitioner No.2 is his son working there on ad hoc basis.

The complainant had a dispute regarding the rent of shop No.13 and regarding the verification of the rent receipts. The petitioner No.1 had been called and the dispute has arisen with the said complainant there.

The anticipatory bail has been denied solely on the ground that the recovery of the torn documents and mobile is yet to be effected, without giving the petitioners any opportunity to join the investigation.

Notice of motion for 08.12.2015.

In the meanwhile, it is directed that the petitioners shall join investigation and in the event of arrest of petitioners, they shall be released on bail by the arresting officer, subject to the conditions laid down in Section 438 (2) Cr.P.C. ”

Learned State counsel upon instructions from ASI Jaspal Singh would apprise the Court that the petitioners have since joined investigation.

Under such circumstances, custodial interrogation of the petitioners would not be warranted.

Accordingly, the present petition is allowed. Order dated 09.11.2015 passed by this Court is made absolute.

Disposed of.

19.02.2016

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**