

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

212

**CRM-M-4073-2016
Date of Decision: March 30, 2016**

SUKHPAL SINGHPETITIONER
VERSUS
STATE OF PUNJABRESPONDENT

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

Present: Mr.A.S.Cheema, Advocate for the petitioner.

Mr.Jashan Preet Singh, AAG, Punjab.

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

The petitioner is alleged to have started classes in a building after breaking the seals of the Bank which had taken its possession under SARFAESI Act. The Bank has got legal remedy available to it to take symbolic or actual physical possession in accordance with law as per provisions of SARFAESI Act. It will be debatable during the course of trial whether the possession delivered to the complainant Bank was a symbolic possession or it was acquisition of actual physical possession. The complainant Bank has got other remedy available to it either to recover the amount or to redeem the mortgage in accordance with law.

On instructions from H.C. Sukhdev Singh, State counsel informs that the petitioner has joined investigation.

The petition is allowed. It is ordered that in case of arrest of the petitioner, he will be released on bail to the satisfaction of the arresting officer subject to the conditions under Section 438(2) of the Code of Criminal Procedure.

Nothing said in this order would be read as expression of opinion on merits regarding the controversy of rival claims of the Bank and the petitioner in the property dispute.

**(M.M.S.BEDI)
JUDGE**

March 30, 2016