

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

CRM No.M-510 of 2016 (O&M)

Date of Decision: 01.03.2016

Surjit Kaur and another

... Petitioners

Versus

State of Punjab

... Respondent

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

Present:- Mr. S.S. Kainth, Advocate for the petitioners.

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

....

TEJINDER SINGH DHINDSA.J.

This order shall dispose of the present petition filed under Section 438 Cr.P.C. seeking concession of anticipatory bail to the petitioners in case FIR No.67 dated 01.11.2015, under Sections 454/380/427/447/34 IPC, registered at Police Station Sekhwan, District Batala.

On 08.01.2016, while issuing notice of motion, the following order was passed by this Court:

“Petitioners seek the concession of pre-arrest bail in case FIR No.67 dated 01.11.2015, under Sections 454/380/427/447/34 IPC, registered at Police Station Sekhwan, District Batala.

Counsel would submit that the complainant, Jasbir Kaur is the daughter-in-law of petitioner No.2. Allegations against the present petitioners are with regard to having encroached and demolished a portion of the joint residential premises and having stolen articles in the nature of one gas cylinder, stove, sugar pot, tea pot and glasses etc.

Counsel would further submit that the petitioners were admitted to ad interim bail but thereafter such concession had been cancelled vide order dated 24.12.2015 (Annexure P-3)

passed by the learned Additional Sessions Judge, Gurdaspur only on the ground that even though the petitioners have joined investigation but no recovery has been effected. Counsel would argue that there was no occasion for any recovery being made and the allegations made by the complainant are totally false. That apart, it has been contended that pertaining to the same very residential premises, a suit for partition already stands instituted in the year 2014 and as such civil litigation is already pending between the parties.

Notice of motion, returnable on 01.03.2016.

In the event of arrest, the petitioners shall be released on interim bail subject to the satisfaction of the Arresting/ Investigating Officer. The petitioners shall join investigation as and when called upon to do so and they shall remain bound by the conditions envisaged under Section 438(2) Cr.P.C.”

Learned State counsel upon instructions from HC Gurinder Singh would apprise the Court that the petitioners have since joined investigation. Even the observations contained in the notice of motion order have not been rebutted.

Accordingly, the present petition is allowed. Order dated 08.01.2016 passed by this Court is made absolute.

Disposed of.

01.03.2016

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**