

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

CRM-M-5885-2016 (O&M)

Date of decision : 23.08.2016

Kamal Jyoti

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Nakul Sharma, Advocate for the petitioner.

Ms. Harsimrat Rai, DAG, Punjab,
assisted by ASI Shiv Singh.

JITENDRA CHAUHAN, J. (Oral)

The petitioner seeks pre-arrest bail in case FIR No.6 dated 01.02.2016, under Sections 454, 427 and 380 of the Indian Penal Code at P.S. Qadian, Police District Batala, Distt. Gurdaspur.

Heard.

On 19.02.2016, the following order was passed:-

“Prayer is for grant of anticipatory bail in case FIR No.6 dated 1.2.2016 under Sections 454/427/380 IPC, PS Qadian, Police District Batala, District Gurdaspur.

It is averred that present complainant-Devi Ditta in the year 2012 had purchased 16 marls of land including a shed i.e. the property in dispute from Rajan Kumar whereupon the petitioner was already inducted as a tenant. The petitioner-accused also had filed a suit for injunction against Rajan Kumar and the present complainant-Devi Ditta wherein temporary injunction was granted in his favour as prima facie the possession

of the petitioner was established.

It is contended that allegations of having stolen pipe material from the factory of the complainant existing at the site in question are totally false as it is already established that possession of the site in question is with the present accused-petitioner.

Notice of motion for 29.3.2016.

In the event of arrest, the petitioner shall be released on bail on furnishing adequate bail and surety bonds to the satisfaction of the Arresting/Investigating Officer/Trial Court. Petitioner shall appear before the I.O., as and when called upon for investigation and shall also be bound by all the conditions stipulated in Section 438(2) Cr.P.C.”

Learned State counsel, on instructions, submits that in pursuance of the order passed by this Court, the petitioner has joined the investigation and he is not required for custodial interrogation.

In view of the above, without expressing any opinion on the merits of the case, the interim bail granted by this Court vide order dated 19.02.2016, is made absolute, subject to the conditions contained in Section 438(2) Cr.P.C.

The petition stands allowed.

23.08.2016
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(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No