

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

209

**CRM-M-7120-2016 (O&M).
Decided on: May 3, 2016.**

Gurmail Singh

.. Petitioner(s)

VERSUS

State of Punjab

.. Respondent(s)

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

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**PRESENT Mr.Sunil Agnihotri, Advocate,
for the petitioner.**

Ms.Simsi Dhir Malhotra, DAG. Punjab.

Mr.Karan Garg, Advocate, for the complainant.

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

Petitioner apprehends arrest in a case registered at the instance of Nazar Singh alleging that the complainant had one house which was lying vacant in Abadi deh. The petitioner is alleged to have sold the said house to one Gurmukh Singh in connivance with co-accused Parduman Singh and Avtar Singh after hatching a conspiracy and had also threatened the complainant.

Counsel for the petitioner has submitted that the property involved was originally owned by Gurdev Singh which was inherited by Prem Singh, Netter Singh and Nazar Singh and complainant and petitioner being son of Prem Singh had a right in the property sold and that the property sold is not beyond the share of the petitioner. A civil litigation is also stated to be pending.

Counsel for the complainant has opposed the application for pre-arrest bail contending that it is the property of the complainant and that share of the complainant has been sold.

After hearing the counsel for the petitioner as well as the counsel for the complainant and going through the police file, it appears that the controversy is pertaining to a property dispute amongst the co-owners of the property. The complainant and the accused appear to be related to each other. The subject matter of the present case is also sub judice before the civil Court for adjudication of the respective rights of the co-owners. The petitioner having joined investigation, no useful purpose will be served by sending the petitioner behind bars.

The petition is allowed. It is ordered that in case of arrest of the petitioner, he shall be released on bail to the satisfaction of the arresting officer subject to the conditions that the petitioner will join investigating as and when required and will not tamper with the evidence or hamper investigation in any manner.

(M.M.S. BEDI)
JUDGE

May 3, 2016.
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