

**CRM-M-19784 of 2017 &
CRM-M-19768 of 2017**

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

**CRM-M-No. 19784 of 2017
Date of Decision: 04.12.2017**

Nazar Singh

.....Petitioner

vs.

State of Punjab and others

.....Respondents

CRM-M-19768 of 2017

Nazar Singh

.....Petitioner

vs.

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Ajay Pal Singh, Advocate,
for the petitioner.

Mr. Sandeep Mann, A.A.G., Punjab.

Mr. D.S. Malwai, Advocate,
for respondents no. 2 to 10 in CRM-M-19784 of 2017.

Mr. Manish Kumar Singla, Advocate,
for respondents no. 2 to 9 in CRM-M-19768 of 2017.

AMOL RATTAN SINGH, J. (ORAL)

Pursuant to the order dated 17.11.2017, three photographs have been produced in Court today (though not placed on record), showing a constructed boundary wall at the end of which a pile of bricks is seen to be lying, with dry fodder on top of them, (with the bricks simply lying there as a pile, not having been either cemented together or even 'fixed' with mud etc).

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As per counsel for the State and counsel for respondents no. 2 to 9 in CRM-M-19768 of 2017, i.e. Mr. Manish Kumar Singla, Advocate, the boundary wall has been duly constructed by respondents no. 2 to 10 in CRM-M-19784 of 2017.

Learned counsel for the petitioner refutes the aforesaid statement to submit that actually the boundary wall shown in the picture is not the boundary wall which was required to be constructed, as the boundary of the petitioners' property is at the place where the loose bricks are lying, and therefore, no boundary wall has been constructed by respondents no. 2 to 10 in CRM-M-19784 of 2017.

That being wholly a disputed question of fact, the 'bail granted' to respondents no. 2 to 10 in CRM-M-7504 of 2017 and respondents no. 2 to 9 in CRM-M-7494 of 2017, , cannot be cancelled simply on statements made in Court to that effect.

Consequently, these petitions are dismissed, but with liberty naturally available to the petitioner to take his remedies in civil law with regard to alleged demolition of the boundary wall by respondents no. 2 to 10 in CRM-M-19784 of 2017.

Nothing stated hereinabove will be taken to be an observation of this Court as to whether the boundary wall was demolished by the aforesaid respondents, or that it has been reconstructed by them or anybody else.

Further, as regards the criminal proceedings before the trial Court against respondents no. 2 to 10, again, the trial Court would go wholly by the evidence before it, unfettered by the observations made by this Court in these petitions seeking cancellation of bail.

December 04, 2017
nitin

Whether speaking/reasoned
Whether Reportable

(AMOL RATTAN SINGH)
JUDGE

Yes
No.