

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

(i) CRM No.M-21217 of 2017 (O&M)

Happy @ Harvinder Singh and others

...Petitioners

VERSUS

State of Punjab

...Respondent

(ii) CRM No.M-22381 of 2017 (O&M)

Raj Kumar

...Petitioner

VERSUS

State of Punjab

...Respondent

Date of Decision: July 04, 2017

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Deepak Bhardwaj, Advocate
for the petitioners (in CRM No.M-21217 of 2017).

Mr.Arihant Jain, Advocate
for the petitioner (in CRM No.M-22381 of 2017).

Mr.Gaurav Garg Dhuriwala, Sr. DAG, Punjab
for the respondent-State (in CRM No.M-22381 of 2017).

Mr.R.S.Duggal, Advocate
for the complainant (in CRM No.M-22381 of 2017).

INDERJIT SINGH, J.

Both the above-mentioned cases are taken up together as the
same have arisen from same FIR.

Petitioners have filed these petitions under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.104 dated 15.09.2016 under Sections 379, 447, 506, 511, 201, 148 and 149 IPC, registered at Police Station Julkan, District Patiala.

Notice of motion in CRM No.M-21217 of 2017.

Mr.Gaurav Garg Dhuriwala, Sr. DAG, Punjab, has put in appearance on behalf of the respondent-State and contested the petition. Mr.R.S.Duggal, Advocate for the complainant appeared and filed Vakalatnama on behalf of the complainant and also contested the petition. In CRM No.M-22381 of 2017, notice of motion was issued on the last date and learned State counsel as well as learned counsel for the complainant appeared and contested the petition.

I have heard learned counsel for the parties as well as learned State counsel and have gone through the record.

As per prosecution version, complainant party was in possession as they have taken the possession one day earlier with the police help and cement poles were affixed. About 20 persons including ladies came there and removed those poles.

The petitioners are not required for custodial interrogation. Nothing is to be recovered from them. No useful purpose will be served by sending them to custody.

Keeping in view the facts and circumstances of the case and without discussing the facts of the case in minute details and without expressing any opinion on the merits of the case, I find it a fit case, where petitioners are entitled to benefit of grant of anticipatory bail. Therefore,

both the petitions are allowed. It is ordered that in the event of arrest, the

petitioners be released on bail subject to their furnishing personal bonds and surety each to the satisfaction of Arresting/Investigating Officer. However, they shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.

July 04, 2017
Vgulati

Whether speaking/reasoned
Whether reportable

(INDERJIT SINGH)
JUDGE

Yes
No