

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

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**CRM-M-38463-2017
DATE OF DECISION: 22.11.2017**

SAMSHER SINGH & ORS.

... Petitioner(s)

Versus

STATE OF PUNJAB

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Mahesh Gupta, Advocate
for the petitioners.

Mr. Kanisth Ganeriwala, Asstt. A.G., Punjab.

ANUPINDER SINGH GREWAL, J. (ORAL)

The petitioners are seeking anticipatory bail in FIR No.0078 dated 27.09.2017 under Section 427 IPC and Section 4 of Prevention of Damage to Public Property Act, 1984, registered at Police Station Sherpur, District Sangrur.

Learned counsel for the petitioners contends that the allegations against the petitioners are that they have demolished the wall constructed on the shamlat land. He further contends that although the occurrence has taken place on 13.05.2017 but the FIR has been registered after four months on 29.09.2017. He also contends that prima facie the offence under Section 4 of the Prevention of Damage to Public Property Act, 1984 is not made out as there is no averment in the FIR regarding use of fire or explosive substance.

This Court, by the order dated 11.10.2017, had directed the petitioners to appear before the Investigating Officer and join

the investigation and in the event of their arrest, they were to be released on ad-interim bail to the satisfaction of the Investigating/Arresting Officer, subject to the conditions envisaged under Section 438(2) Cr.P.C.

Learned State counsel, upon instructions from ASI Harmeet Singh, states that the petitioners have joined investigation and are not required for custodial interrogation.

In view of the submissions of learned counsel for the petitioners and keeping in view the fact that the petitioners have joined investigation, the order dated 11.10.2017 granting interim bail to the petitioners is made absolute.

However, the petitioners shall abide by the conditions stipulated under Section 438(2) Cr.P.C. They shall also join investigation as and when called upon to do so.

The petition stands disposed of.

22.11.2017

SwarnjitS

**(ANUPINDER SINGH GREWAL)
JUDGE**

Whether speaking/reasoned : Yes / No
Whether reportable : Yes / No