

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No. M-951 of 2017

Date of decision : April 18, 2017

Sukhwinder Kaur and others

....Petitioners

versus

State of Punjab

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr.Arun Abrol, Advocate, for the petitioners
Mr. C.S.Brar, DAG, Punjab for the respondent-State
with ASI Kulwinder Singh

Fateh Deep Singh, J. (Oral)

The allegations against the petitioners in this anticipatory bail application are that Pardeep Kumar brother of complainant Vijay Kumar was tenant in the premises comprising of a shop owned by the petitioners side and that a compromise was effected between them whereby the brother of the complainant has undertaken by virtue of Annexure P/3 to vacate the shop in question by 12.12.2015. It is alleged that on 13.12.2015, on the next very day when the complainant failed to vacate the shop, accused side have broken the lock and thrown out the articles and taken forcible possession of the shop.

The contentions of the petitioners' counsel are that the petitioners have been falsely implicated and that a compromise had already been executed between the parties which has been given effect to and that the present case has been belatedly lodged as a theft.

The bail application is opposed by the learned State counsel on the grounds that the petitioners have taken law into their own hands having entered the shop forcibly and have taken valuable articles belonging to the complainant side and damaged the shop.

Appreciating the submissions, the photographs which have been relied upon by the prosecution in itself suggest of the fact of self throwing out the articles and which is not refuted by the learned State counsel who is assisted by the present Investigating Officer. Since part of the prosecution allegations appears to be concocted version and fabricated to put force to the allegations and nothing is to the recovered from the petitioners who will join the investigations which will suffice the purpose, the present petition is allowed. In the event of arrest, the petitioners shall be released on bail to the satisfaction of arresting/investigating officer till submission of report under section 173 Cr.P.C. (challan). The petitioners shall, however, join the investigation as and when called for and shall also abide by the conditions specified under section 438 (2) Cr.P.C. Thereafter, petitioners will be permitted to furnish regular bail bonds to the satisfaction of the trial Court.

April 18, 2017

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**(Fateh Deep Singh)
Judge**

Whether speaking/reasoned ?

Yes/No

Whether Reportable ?

Yes/No