

CRM-M-17831-2018

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

CRM-M-17831-2018

Date of Decision:10.08.2018

Rajinder Singh

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Kunal Dawar, Advocate,
for the petitioner.

Mr. B.S.Virk, DAG, Haryana.

Mr. M.R.Sharma, Advocate,
for the complainant.

INDERJIT SINGH, J. (Oral)

Petitioner-Rajinder Singh has filed this petition under Section 438 of the Code of Criminal Procedure, 1973 (for brevity, 'Cr.P.C.') for grant of anticipatory bail in case FIR No.145 dated 11.04.2018, registered at Police Station Faridabad N.I.T., Faridabad, under Sections 148, 149, 434 and 506 IPC and Section 3 of the Prevention of Damage to Public Property Act, 1984.

Notice of motion was issued in this case. Learned State counsel put in appearance on behalf of the respondent-State and complainant also appeared through his counsel. They contested this petition.

CRM-M-17831-2018

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

From the record, I find that as per the allegations in the FIR, wall of HUDA was broken and a gate was constructed by the petitioner.

Learned counsel for the petitioner as well as learned counsel for complainant admit that a civil suit is already pending before the Civil Court.

In pursuance of the interim order dated 27.04.2018 passed by this Court, the petitioner has already joined the investigation. He is not required for custodial interrogation. Therefore, no useful purpose will be served by sending him to custody.

Keeping in view the facts and circumstances of the present case; without discussing the facts of the case in minute details and without expressing any opinion on the merits of the case, I find merit in this petition and the same is allowed. The order dated 27.04.2018, granting interim bail to the petitioner, is made absolute. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions of Section 438 (2) Cr.P.C.

10.08.2018

parveen kumar

**(INDERJIT SINGH)
JUDGE**

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