

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

**Criminal Misc. No.M-24488 of 2018 (O&M)
Date of Decision: July 24, 2018**

Chottu Ram

.....PETITIONER(s).

VERSUS

State of Punjab and another

....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Ms. Rajni Maurya, Advocate for
Mr. Naveen Batra, Advocate
for the petitioner (s).

SURINDER GUPTA, J.

This petition has been filed by the petitioner-complainant under Section 439(2) Code of Criminal Procedure for cancellation of bail granted to respondent No.2 vide order dated 23.04.2018 (Annexure P-4) passed by learned Additional Sessions Judge, Hoshiarpur in case FIR No.01 dated 04.01.2018 registered under Section 379 of Indian Penal Code, at Police Station NRI, District Hoshiarpur.

FIR was registered on the allegations that some persons have cut 56 trees from the land of complainant without permission. Respondent No.2 was nominated during investigation and he joined the investigation as well. The Court below observed that the dispute pertains to the demarcation of the land of petitioner-complainant and respondent No.2-accused and custodial interrogation of respondent no.2 was no more required and allowed him anticipatory bail.

Learned counsel for the petitioner submits that respondent No.2 is not cooperating with the Investigating Officer, as such, he is not entitled to be enlarged on bail.

No such plea has been raised before learned Additional Sessions Judge by the State so far. In the event of such plea being raised, the same will be considered. However, I find no reason for cancellation of bail allowed to respondent No.2 at this stage.

This petition has no merits. Dismissed.

July 24, 2018
Sachin M.

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No