

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M No. 35479 of 2018 O&M)

Date of decision : 11.10.2018

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Gurmit Singh

.....Petitioner

vs.

State of Punjab

.....Respondent

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr. Kuldeep Singh Chaudhary, Advocate
for the petitioner.

Mr. Dhruv Dayal, Senior Deputy Advocate General,
Punjab.

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H. S. Madaan, J.

This petition for pre-arrest bail has been filed by petitioner Gurmit Singh, being accused in FIR No. 144 dated 5.7.2018, for offences under Sections 452, 323, 354, 120-B IPC registered at Police Station Sohana, SAS Nagar, Mohali.

Briefly stated, facts of the case, as per the prosecution story are that the FIR in question was got recorded by complainant Krishan Singh s/o Kayam Singh r/o village Jagatpura, Sohana, SAS Nagar, Punjab. In the written complaint submitted by him to the police, he has contended that he had purchased a house from Puna

Devi w/o Rampal, r/o village Jagatpura, who had executed a power of attorney in his favour. Puna Devi wanted to sell the property to Gurmit Singh and to dispossess him from his house. On 2.7.2018, Puna Devi and her husband Ram Pal disconnected water and electricity supply to his house and also locked bathroom and toilet. He had informed the police in that regard. When some police officials came to the spot, then Puna Devi called Gurmit Singh, who came there alongwith his brother and 20-25 persons, having arms and they forcibly entered into his house and they inflicted injuries on them and outraged the modesty of his wife Sunita and daughter-in-law Rani Sukanya, tearing their clothes. Injured were taken to the hospital and were medically examined. Formal FIR was lodged.

Apprehending arrest, Gurmit Singh had approached the Court of Sessions, by moving an application for pre-arrest bail, which was assigned to the Additional Sessions Judge, SAS Nagar, Mohali, who vide order dated 6.8.2018 dismissed the same, as such he has approached this Court, by way of filing the present petition praying for similar relief, which is being opposed by learned State counsel.

I have heard, learned counsel for the petitioner, learned State counsel, besides going through the record.

Basically it appears to be a civil dispute between the parties, on behalf of the petitioner, copy of order dated 31.5.2018, passed by Civil Judge (Junior Division), Mohali, has been placed on record showing that Krishan Singh had filed a suit for grant of injunction against various persons including the present petitioner and temporary injunction has been granted in his favour. Some incident

with regard to taking of possession seems to have taken place, in which simple injuries were caused to Krishan Singh and Sunita. The petitioner has joined the investigation. In that way, his custodial interrogation is not found to be necessary.

Keeping in view the facts and circumstances of the case, the petition is accepted and interim bail granted to the petitioner vide order dated 18.8.2018, is made absolute, subject to fulfillment of conditions envisaged under Section 438(2) Cr.P.C.

The petition in that way is allowed.

11.10.2018
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(H.S. Madaan)
Judge

Whether speaking / reasoned

Yes / No

Whether reportable

Yes / No