

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

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**CRM-M No. 17333 of 2019
Date of decision : 16.12.2019**

Baldev Singh

.....Petitioner

Vs.

State of Punjab and another

.....Respondents

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. Dheeraj Mahajan, Advocate, for the petitioner

Ms. Amarjit Kaur Khurana, DAG, Punjab

Mr. Navneet Singh, Advocate, for
Mr. D.S. Sandhu, Advocate, for respondent No.2

Rajbir Sehrawat, J. (Oral)

The present petition has been filed by the petitioner under Section 439 (2) Cr.P.C for cancellation of bail, granted by this Court vide order dated 22.11.2018, passed in CRM-M No.50647 of 2018 in case FIR No. 70 dated 7.10.2018, registered under Sections 420, 465, 467, 468 and 471 IPC at Police Station City Sekhwan, Police District Batala, Gurdaspur.

Learned counsel for the petitioner has pointed out that vide the order dated 22.11.2018, respondent No.2 was granted bail pending trial and the electricity connection of the tubewell, which had already been disconnected by the department officials, was ordered to be reconnected. Both these indulgence were shown by the Court in view of the fact that the petitioner and respondent No.2, who happens to be real brothers, would be able to reside peacefully and could use the said tubewell for the benefit of both. However, it was specifically clarified in the said order that in case respondent No.2 creates any hindrance in the use of tubewell by Baldev Singh-the present petitioner, then the petitioner shall be at liberty to get the bail of the respondent cancelled and to get the electricity connection disconnected once again.

Learned counsel for the petitioner has further pointed out that after getting the order from this Court, the respondent has shown extra cleverness.

To permanently damage the cause of the petitioner, respondent No.2 has even shifted the place of bore of the tubewell. However, the electricity connection to the said tubewell remains intact. It is further submitted that the petitioner has never been permitted by respondent No.2 to use the said tubewell, as was directed by this Court.

Considering the fact that the dispute was between the brothers only, the matter was sent to the Mediation and Conciliation Centre of this Court as well. However, the report has been received from the Mediation Centre, pointing out that the effort of mediation between the parties have failed.

In view of the above, this Court finds that by his acts and deeds, respondent No.2 has created a situation, where the order dated 22.11.2018 cannot be continued any further.

Accordingly, the present petition is allowed and the bail granted to respondent No.2 is cancelled.

It is further ordered that PSPCL shall disconnect the electricity connection to the tubewell, which was earlier re-connected pursuant to the above said order.

Respondent No.2 is directed to surrender before the trial Court within a period of one week from today. However, if respondent No.2 does not so surrender, then the trial Court shall issue warrant of arrest against respondent No.2 and accordingly, he shall be taken into custody.

(RAJBIR SEHRAWAT)
JUDGE

16.12.2019

Ashwani

Speaking/Reasoned	:	Yes/No
Reportable	:	Yes/No