

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-44942-2018 (O&M)

Date of Decision:- 21.1.2019

Mahinder Kumar

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Harsh Neyol, Advocate, for the petitioner.

Ms. Ruchika Sabherwal, AAG, Punjab.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of anticipatory bail in respect of a case registered against him vide FIR No.42, dated 3.9.2018, registered at Police Station Khushi Khera, District Fazilka, under Sections 452, 365, 380, 323, 148 and 149 IPC.
2. At this stage Mr. Randeep Singh, Advocate has appeared on behalf of the complainant and filed his power of attorney. The same is taken on record.
3. The allegations, in nutshell, are that the accused had forcibly dispossessed the complainant from his house at gun-point and had looted household articles in a trolley. Learned counsel for the

petitioner has submitted that in fact there is civil litigation going on between the parties in respect of the premises in question wherein a stay order in favour of accused had already been passed. Learned counsel in this context has drawn the attention of this Court to order dated 30.8.2018 passed by learned Civil Judge (Junior Division), Fazilka wherein the defendants i.e. Anil Kumar (complainant) and his wife Savitri have been restrained from interfering into the possession over the suit property.

4. Notice of this petition was issued to the respondent/State.
5. Learned State counsel assisted by learned counsel for the complainant has however opposed the petition by submitting that in view of the specific allegations levelled in the FIR to the effect that the petitioner has forcibly dispossessed the complainant, no case for grant of bail is made out. It has however been informed, upon instructions from ASI Sharanjit Singh that the petitioner has already joined investigation.
6. Having considered rival submissions addressed before this Court and bearing in mind the fact that interim injunction had been granted by a Civil Court in favour of the accused and also that the petitioner is stated to have joined investigation, in my opinion, it is a fit case for grant of anticipatory bail. The petition is as such accepted and interim directions issued vide order dated 12.10.2018 are made absolute subject to the condition that the petitioner shall appear and join the investigation as and when called upon to do so and cooperate with

the Investigating Officer and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.

7. It is however directed that in case the petitioner ever misuses the concession of bail, the prosecution agency will be at liberty to seek the cancellation of the order granting bail to the petitioner.

January 21, 2019
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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No