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

CRM-M-22352 of 2019

Date of decision: July 12, 2019

Pavittar Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Ramneek Vasudeva, Advocate for the petitioner.

Mr. V.G. Jauhar, Senior DAG Punjab.

MAHABIR SINGH SINDHU, J (Oral)

Present petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 (for short 'Cr. P.C.') for grant of anticipatory bail to the petitioner, in FIR No.36 dated 17.04.2019, under Sections 420, 120-B, 447, 506, 427, 34 of Indian Penal Code, 1860, registered at Police Station City Morinda, District Rupnagar.

As per prosecution case, petitioner illegally broke open one passage in the boundary wall of the plot of the complainant with a view to illegally encroach upon it.

On 21.05.2019, this Court has passed the following order:-

“Contends that complainant is very much in possession of the land in dispute and although petitioner has filed a suit for permanent injunction, but there is no interim injunction as on today. Further contends that petitioner is not intending to interfere in the peaceful possession of the complainant and he is still ready to join the investigation.

Adjourned to 12.07.2019 for further consideration.

In the meanwhile, the petitioner is directed to join

the investigation before the Investigating Officer. In the event of his arrest, the Arresting Officer would admit him to interim bail in the present case till the next date of hearing on his furnishing adequate bail and surety bonds to his satisfaction. The petitioner is also directed to abide by all the conditions as envisaged under Section 438(2) Cr.P.C.

To be heard along with CRM-M-21351-2019.”

Learned State counsel, on instructions from Assistant Sub Inspector Kulwinder Singh, has submitted that petitioner has joined investigation in terms of order dated 21.05.2019 and his custodial interrogation is not required.

In view of the above, order dated 21.05.2019 granting interim bail to the petitioner, is made absolute subject to the provisions of Section 438(2) Cr. P.C.

Petition stands disposed off, accordingly.

However, it is made clear that the petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.

The above observations may not be construed as an expression of opinion on the merits of the case.

(MAHABIR SINGH SINDHU)
JUDGE

July 12, 2019

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Whether speaking/ reasoned: **Yes**

Whether Reportable: **No**