

CRM-M-25097-2019

Date of decision: 11.02.2020

HARMEET SINGH

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Karan Bhardwaj, Advocate for the petitioner.

Mr. Balbir Singh Sewak, Addl. AG, Punjab

Mr. Sunny Singla, Advocate for the complainant.

VIVEK PURI, J. (ORAL)

On 06.06.2019 the following order was passed:-

"Contends that civil suit regarding property in dispute is already pending at the instance of the petitioner.

Notice of motion returnable on 08.08.2019.

In the meanwhile, the petitioner is directed to join investigation before the Investigating Officer. In the event of his arrest, the Arresting Officer would admit him to interim bail, 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) of Code of Criminal Procedure, 1973.

At this stage, Mr. Sunny K. Singla, Advocate appears, files Power of Attorney on behalf the complainant and the same is taken on record."

On 09.12.2019, the matter was adjourned to verify as the learned counsel for the petitioner sought time to get the instructions as to whether the petitioner is ready to vacate the premises or not.

It has been stated by the learned counsel for the petitioner that the complainant has already initiated the proceedings under the Protection of Senior Citizens Maintenance Act before the learned Sub-divisional Magistrate, Sangrur to get the possession of the property in dispute and the matter may be disposed of on merits.

The allegations in the FIR are to the effect that the petitioner alongwith his father has taken forcibly possession of the premises and got the electric connection by submitting a forged affidavit of the complainant.

It has been stated by the learned State counsel that on the date of attestation of the affidavit, the complainant was abroad as per the entry in her passport. Though, the petitioner has joined the investigation but his custodial interrogation is required to verify as to which lady had impersonated as complainant at the time of attestation of the affidavit.

On the contrary, it has been pointed out by the learned counsel for the petitioner that in fact, the affidavit was handed over to the petitioner by Rani, the sister of the complainant. Furthermore, the petitioner has already instituted the civil suit for permanent injunction wherein order with regard to maintenance of status quo has been passed vide which parties are directed to maintain the status quo with regard to the existing position of the suit property vide order dated 14.02.2019. Moreover, the complainant has also initiated the legal proceedings to get back the possession of the premises in dispute.

As such, sufficient exceptional circumstances are made out to extend the concession of pre-arrest bail to the petitioner.

Without expressing any opinion on the merits of the case, the order dated 06.06.2019, granting interim bail to the petitioner is made absolute.

However, the petitioner shall abide by the conditions stipulated under Section 438(2) Cr.P.C. He shall also join investigation as and when called upon to do so.

The petition is accordingly, allowed.

11.02.2020
renubala

(VIVEK PURI)
JUDGE

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No