

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

CRM-M No.36912 of 2020

Date of Decision: 10.11.2020

Pooja Pasricha and another

..... Petitioners

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present : Mr. Avtar Singh Khinda, Advocate for the Petitioners.

Mr. Vivek Thakur, Advocate for the complainant.

SUDIP AHLUWALIA, J. (ORAL)

Notice of Motion.

2. Mr. B. S. Sewak, Addl, A.G, Punjab to accept notice on behalf of the Respondent/State.

3. Learned counsel for the petitioners as well as the complainant have separately sent up on WhatsApp video recordings of the alleged occurrence. In both the recordings use of criminal force, is perceptible and it is the claim of both the sides that the other party had trespassed into the disputed property and committed the other offences mentioned in the original FIR No.319 dated 24.09.2020 and the DDR version drawn up later on 03.10.2020, although, the matter was reported by the complainant to the police on the night following the day of the occurrence itself.

4. The dispute essentially boils down a question as to who was in possession of the disputed property on the relevant date for determining which

side was the aggressor. This Court is not concerned with the evidence available in support of the FIR No. 319 dated 24.09.2020 lodged at the instance of the petitioners' side. But in the CCTV footage/video recording sent up on behalf of the complainant, the petitioner No.1 does appear to be forcibly entering through the gate of the disputed house accompanied by several other persons including petitioner No.2, who is seen to remain standing outside the gate.

5. For the above reasons, this does not appear to be a fit case for granting the extraordinary relief of anticipatory bail to the petitioners, as was also rightly observed by the Ld. Addl. Sessions Judge, Kapurthala, in his impugned order.

6. The petition is, therefore, dismissed.

7. It is, however, also made clear that any observation in this order shall have no bearing whatsoever on the merits of the FIR No.319 dated 24.09.2020, and nothing in this order shall be construed to mean that the complainant in DDR No.35 dated 03.10.2020 is accepted to have been found in possession of the disputed property by this Court.

10.11.2020*Ali***(SUDIP AHLUWALIA)
JUDGE**

1. Whether speaking/reasoned: Yes/No
2. Whether reportable: Yes/No