

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

CRM-M-38009-2020 (O&M)
Date of Decision:-21.12.2020

Hardeep Singh Sidhu @ Tony Sidhu ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Naresh Kumar, Advocate for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab,
assisted by ASI Balbir Singh.

Mr. Vikas Gupta, Advocate for the complainant.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.156 dated 8.10.2020 at Police Station Sadar, District Hoshiarpur under Section 379 of Indian Penal Code, wherein offence under Section 411 IPC was added lateron.
2. Learned counsel for the petitioner submits that the allegation, in nutshell, against the petitioner is that he had uprooted a gate allegedly belonging to the complainant and in respect of which a civil litigation is already going on.

3. At the time of issuance of notice of motion the following order was passed:

“The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

Learned counsel for the petitioner submits that no recovery is required to the effected in the case. Even otherwise, the parties remained in civil litigation.

Notice of motion.

At this stage, Mr. Randhir Singh Thind, D.A.G., Punjab, has put in appearance and accepts notice on behalf of the respondent-State, whereas Mr. Gurpreet Singh, Advocate, has put in appearance and accepts notice on behalf of the complainant and submits that the petitioner is harassing the complainant since long.

Adjourned to 21.12.2020.

In the meanwhile, in the event of arrest of the petitioner, he shall be released on ad interim bail to the satisfaction of the arresting officer. However, the petitioner shall join the investigation as and when directed by the investigating agency and shall abide by the terms and conditions laid down under Section 438(2) Cr.P.C.”

4. Learned State counsel, upon instructions from ASI Balbir Singh, has informed that the petitioner has already joined investigation and that his custodial interrogation is not required.
5. Learned counsel for the complainant has, however, opposed the petition and has submitted that since specific and categoric allegations are levelled against the petitioner, no case for grant of bail is made out.
6. I have considered rival submissions addressed before this Court.
7. Having regard to the nature of allegations and the fact that the petitioner has already joined investigation and the gate in question is stated to have been recovered and that the petitioner is not stated to be required for any custodial

interrogation, the petition is accepted and the interim directions issued by this Court vide order dated 18.11.2020 are hereby made absolute subject to the condition that the petitioner shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

21.12.2020

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No