

CRM-M-49819-2019

Date of Decision: 14.01.2020

Daljit Singh

... Petitioner

v/s

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Kiran Kumar, Advocate
for the petitioner.

Mr. Rajesh Bhardwaj, Sr. DAG Punjab assisted by
ASI Satnam Singh.

Mr. Tarun Sharma, Advocate for
Mr. R.S.Bajaj, Advocate
for the complainant.

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VIVEK PURI, J. (ORAL)

On 25.11.2019 following order was passed:

“The petitioner is seeking anticipatory bail in FIR No. 112 dated 28.08.2019, under Sections 448, 380, 511, 427 and 34 of the Indian Penal Code, 1860, registered at Police Station Sadar Jalandhar, District Jalandhar.

Learned counsel for the petitioner contends that it is alleged that the petitioner has demolished the old 'haveli' belonging to the complainant and committed theft of valuable goods. He also contends that the civil suit filed by the complainant for permanent injunction had been dismissed by the trial Court on 22.07.2019 as the complainant could not establish his ownership or possession of the property.

Issue notice to the respondent returnable on 17.12.2019.

Mr. R.S. Bajaj, Advocate, has put in appearance on behalf of the complainant and filed 'vakalatnama', which is

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taken on record. He contends that even though the civil suit of the complainant had been dismissed, but the petitioner did not have any right to take the law in his hands and demolish the 'haveli'.

In the meantime, the petitioner is directed to appear before the investigating/arresting officer and join investigation.

In the event of his arrest, the investigating/arresting officer shall release the petitioner on ad interim bail subject to his/her satisfaction. The petitioner shall also abide by the conditions as envisaged under Section 438 (2) Cr.P.C.”

It has been stated by learned counsel for the petitioner that petitioner has joined the investigation in pursuance of the interim protection issued by this Court and recoveries have been effected.

Learned State counsel, who is assisted by ASI Satnam Singh, has not disputed this fact and has only stated that substantial recoveries of the case property have already been effected.

Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 25.11.2019 is made absolute.

The petition stands allowed.

14.01.2020

Janki

**(VIVEK PURI)
JUDGE**

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