

(201) IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-29496-2021

Date of Decision:27.09.2021

Krishan Kamboj and another

... Petitioners

Vs.

State of Punjab

... Respondent

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present : Mr. Kamal Narula, Advocate
for the petitioners.

Mr. C.L. Pawar, Sr. D.A.G. Punjab.

VIKAS BAHL, J. (Oral)

Case is taken up for hearing through video conferencing.

Prayer in the present petition is for grant of anticipatory bail to the petitioners in case FIR No.181 dated 11.07.2021, registered under Sections 379/34 of IPC and Section 3 of Prevention of Damage to Public Property Act at Police Station Sadar Fazilka, District Fazilka.

On 28.07.2021, when this case came up before a co-ordinate Bench of this Court, following order was passed:

“Case taken up through video conferencing.

Learned counsel for the petitioners submits that a civil litigation is pending between the parties and the present FIR has been lodged as a pressure tactic. He further submits that the petitioners are ready and willing to join the investigation.

Notice of motion.

Mr. J.S. Ghuman, D.A.G, Punjab, accepts notice on behalf of the respondent-State. He seeks some time to file reply to the petition.

Mr. Neeraj Madaan, Advocate also put in appearance on behalf of

the complainant. He submits that the petitioners have committed a serious offence and they are not entitled to the relief of pre-arrest bail.

After hearing the counsel for the parties, I find it a fit case to grant interim bail to the petitioners. As such, the petitioners are directed to join the investigation by contacting the Investigating Officer within seven days from today and render all sort of co-operation. The petitioners have to surrender their passports before the Investigating Officer, if they have got ones, otherwise to furnish affidavit in that regard. If in the meanwhile, they are arrested, they be released on bail to the satisfaction of the Investigating Officer/Arresting Officer.

Adjourned to 27.09.2021.”

Learned counsel for the petitioners has submitted that the petitioners have already joined the investigation.

Learned State counsel on instructions from ASI Milkhranj submits that although the petitioners have joined the investigation but the recovery of starter switch, connector as well as electric wire are yet to be made from the petitioners.

Learned counsel for the petitioners has submitted that in the present case there is a dispute between the parties and a civil suit regarding the same is pending and the present FIR has been registered as a pressure creating tactic.

Keeping in view the abovesaid facts and circumstances as also the fact that the petitioners are not involved in any other case; there is a civil dispute pending and that petitioners have joined the investigation, interim order dated 28.07.2021 is ordered to be made absolute.

Accordingly, the present petition is allowed.

However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial Court would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

(VIKAS BAHL)
JUDGE

27.09.2021
rajeev

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