

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

CRM-M-49951-2019 (O&M)

Date of Decision:- 10.8.2021

Ashok Kumar

.... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. S.S.Sidhu, Advocate, for the petitioner.

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

(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 against him vide FIR No.182, dated 24.10.2019, Police Station Sadar, Bathinda, under Sections 457, 380, 447, 511, 506 IPC.
2. At the time of issuance of notice of motion on 25.11.2019 the following order was passed:

“It is contended by learned counsel for the petitioner
that it is not even disputed that the petitioner is the

owner of the shop in dispute. Still, it is further submitted that, since there is decree obtained by the complainant restraining the owner from interfering in his possession, therefore, the petitioner is even not interfering in the possession of the complainant. He intends to take his legal remedies to reclaim his possession, in accordance with law. However, to pressurize the petitioner/real owner, the present FIR has been got registered; as a measure of pressure tactics only. Otherwise, even the complainant has taken 122 days in lodging the FIR; qua the alleged theft from the said shop.

Notice of motion.

Mr. Harbir Sandhu, AAG, Punjab, accepts notice on behalf of the State and Mr. Achin Gupta, Advocate, who is present in court, accepts notice on behalf of the complainant.

Adjourned to 26.03.2020.

Meanwhile, in the event of arrest, the petitioner be released on interim bail subject to his furnishing personal bonds/surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.”

3. Learned State counsel, upon instructions from ASI Jagroop Singh, has informed that pursuant to interim directions, the petitioner has since joined investigation and that he is not wanted in any other case.

4. Learned counsel for the complainant has however, vehemently argued that since it is a case where the petitioner had entered into the shop in the possession of the complainant and regarding which there is a restraint order also passed by the Civil Court, the offences in question are clearly made out. It has further been submitted that since no recovery of Air Conditioner and LCD Tv etc. has been made, the petitioner does not deserve the concession of anticipatory bail.
5. I have considered rival submissions addressed before this Court.
6. The matter apparently arises out of a dispute regarding possession of property between brothers. While bearing in mind that the petitioner has since joined investigation and is not wanted in any other case, the petition is accepted and the interim directions issued by this Court vide order dated 25.11.2019 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.

10.8.2021

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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No