

CRM-M-49852-2021 (O&M).

Through video conference
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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.**

CRM-M-49852-2021 (O&M).
Decided on: January 6, 2022.

Harinder Singh

.. Petitioner

VERSUS

State of Punjab

.. Respondent

*** * ***

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI
*** * ***

PRESENT Mr.Harparteek Singh Sandhu, Advocate,
for the petitioner.

Mr.Sandeep Singh Deol, DAG, Punjab.

Mr.Gursimran Singh Madaan, Advocate,
for the complainant.

JASGURPREET SINGH PURI, J. (ORAL)

The present petition has been filed under Section 439 of the Code of Criminal Procedure, seeking regular bail in FIR No.7 dated 31.8.2021, under Sections 448, 420, 465, 467, 468, 471, 511, 506 and 120-B IPC, registered at Police Station NRI, Ludhiana (Rural).

Learned counsel for the petitioner has submitted that the petitioner is in custody since 6.9.2021 and the investigation of the case is

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complete and challan has already been presented before the Court of competent jurisdiction. He further submitted that it is a case where the petitioner has been falsely implicated due to a dispute which had arisen between the brother of the complainant namely Inderjit Singh with the complainant and the dispute was pertaining to one marriage palace where earlier the complainant and aforesaid Inderjit Singh had collectively raised a marriage palace and thereafter, dispute had arisen between the parties and the partnership deed was also allegedly dissolved. He has submitted that the dissolution of partnership deed is the subject matter of civil suit and so far as the petitioner is concerned, he is only brother of aforesaid Inderjit Singh and even otherwise also he has no role in the present case. However, the petitioner was only the marginal witness of the dissolution deed which is subject matter of dispute before the civil Courts. He has further submitted that in fact aforesaid Inderjit Singh was in possession of the property which is clear from the fact that even proceedings under the SARFAESI Act were also initiated against aforesaid Inderjit Singh. He further submitted that be that as it may the only allegation against the petitioner is that he has allegedly forcibly tried to take possession of the marriage palace and regarding this also a civil dispute is pending between the parties in which status quo has been ordered. He has submitted that petitioner is only the marginal witness of the dissolution deed and the investigation of the case is already complete and the entire case of the prosecution is based upon documentary evidence and all the documents are with the prosecution agency and therefore, the petitioner may be granted the concession of

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regular bail.

On the other hand, learned State counsel has not disputed that the petitioner is in custody since 6.9.2021 and the investigation of the case is already complete and challan has been presented. It is also not disputed that the petitioner is not involved in any other case. However, he has opposed the grant of regular bail to the petitioner on the ground that matter pertains to taking forcible possession of the marriage palace and therefore, the present petition be dismissed.

Learned counsel for the complainant has stated that it is a case where the possession of the property was tried to be taken forcibly by the petitioner along with other co-accused and therefore, the petitioner may not be granted regular bail.

I have heard the learned counsel for the parties.

Custody period of the petitioner is not disputed and it is also not disputed that investigation of the case is complete and challan has also been presented. It is also not disputed that the petitioner is not involved in any other case and he has clear antecedents. The entire case of the prosecution is based upon documentary evidence and allegation against the petitioner is that he had tried to take forcible possession of the marriage palace which is the subject matter of the civil dispute.

Therefore, considering the totality of circumstances of the present case, this Court deems it fit and proper to grant regular bail to the petitioner. Accordingly, the present petition is allowed. It is ordered that the petitioner shall be released on bail on furnishing bail bond/surety bond

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to the satisfaction of the trial Court/Duty Magistrate concerned in case not required any other case.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant only for the purpose of decision of present petition.

January 6, 2022.
raj arora

(JASGURPREET SINGH PURI)
JUDGE

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