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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-35567-2023 (O&M)

Date of decision : 19.09.2023

Lakshminder Bhatti @ Lovely

...Petitioner(s)

Versus

State of Punjab and another

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Sushil Saini, Advocate,
for the petitioner.

Mr. Joginder Pal Ratra, Sr. DAG, Punjab.

MAHABIR SINGH SINDHU, J.

Petition under Section 438 of the Code of Criminal Procedure, 1973 has been filed for grant of pre-arrest bail to the petitioner in Complaint No.2939/2013 dated 05.05.2010 (P-1), titled as Om Parkash Vs. Mikel Kumar and others, filed under Sections 452, 455, 506, 427, 511, 148, 149 of the Indian Penal Code, 1860 (for short, '*the IPC*') and Section 24 of the Police Act.

2. Allegations against the petitioner are that he along with other co-accused, illegally entered into the premises owned and possessed by complainant and started demolishing the structure without any lawful authority.

3. On 25.07.2023, this Court passed the following order:-

*“Contends that co-accused of the petitioner,
namely, Mela Ram, Mikel Kumar, Ravi Kumar, Sunil*

Kumar, Pinkal Kumar @ Pinka, Rattan Kaur, Gurdev Singh, Sarabjit Bhatti @ Soni, have already been acquitted by learned Judicial Magistrate 1st Class, Hoshiarpur vide judgment dated 20.05.2022. Further contends that petitioner is ready to suffer the costs of Rs.25,000/- for his non-appearance at the relevant time, but he be protected.

Notice of motion.

Mr. Joginder Pal Ratra, Sr. DAG, Punjab, accepts notice on behalf of respondent No.1-State and seeks time to have instructions and/or file written response in the matter.

Process dasti qua respondent No.2.

Posted on 14.09.2023.

In the meanwhile, petitioner shall surrender before learned trial Court within 02 (two) weeks from today. Upon doing so, he be released on interim bail in the present case till the next date of hearing on his furnishing bail and surety bonds to the satisfaction of learned Court concerned subject to costs of Rs.25,000/- (Rupees twenty five thousand only).

Costs be deposited with the Advocates' Welfare Fund, Punjab and Haryana High Court Bar Association, Chandigarh."

4. Learned counsel for the petitioner has produced a copy of order dated 27.07.2023, passed by learned CJJD/JMIC, Hoshiarpur, to the effect that in pursuance of aforesaid order of this Court, the petitioner has joined proceedings before the Court below and released on interim bail. Same is taken on record as Mark 'X'.

5. Above factual position is duly acknowledged by learned State Counsel, on instructions from the police officer present in Court.

6. In view of above, interim order dated 25.07.2023, is made absolute. The petitioner shall be admitted to bail on furnishing fresh bail and surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.
7. Petitioner shall appear on each & every date and fully co-operate with the learned trial Court without seeking any unnecessary adjournment(s).
8. The above observations may not be construed as an expression of opinion on the merits of the case.
9. It is clarified that in case there is any misuse of concession of bail on the part of the petitioner, complainant would be at liberty to move an appropriate application for recalling of this order.

19.09.2023

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(MAHABIR SINGH SINDHU)
JUDGE

<i>Whether speaking/ reasoned</i>	:	<i>Yes</i>	/	<i>No</i>
<i>Whether reportable</i>	:	<i>Yes</i>	/	<i>No</i>