

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

**CRM-M-38196-2023 (O&M)  
Date of decision : 11.09.2023**

Deepak Bahri

...Petitioner(s)

*Versus*

State of Punjab

...Respondent(s)

**CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU**

Present:- Mr. Naveen Kumar Mahajan & Mr. Vaibhav Narang,  
Advocates for the petitioner.

Mr. Jaiteshwar S. Bhandari, AAG, Punjab for the respondent.

Mr. Amrit Singh Kang, Advocate for the complainant.

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**MAHABIR SINGH SINDHU, J.**

Present petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of pre-arrest bail to the petitioner in FIR No.63 dated 16.07.2023, under Sections 447, 511, 454, 380, 506, 34 of the Indian Penal Code, 1860, registered at Police Station Jodhewal, District Ludhiana.

(2) Above FIR was registered on the basis of statement made by complainant-Ashok Kumar with the allegations that he purchased one plot, measuring 77 Sq. Yds. at Taraf Karabara and mutation has also been

sanctioned in his name. Thereafter, he constructed four shops on the said plot and installed shutters as well as put locks. He kept one key of each shop with him and handed over other keys to one Manoj Maggu @ Tinku, who informed him that the neighbours, namely, Manju Bahri, her son-Deepak Bahri @ Honey (petitioner) along with two other unidentified person, who are living in double storey, broken the locks of shops and stolen the articles lying therein. They tried to take illegal possession of the said shops.

(3) This Court, vide order dated 07.08.2023, granted interim bail to petitioner and the same reads as under:-

*“Contends inter-alia that civil dispute is already pending between the parties i.e. petitioner as well as the complainant.*

*Notice of motion for 11.09.2023.*

*In the meanwhile, petitioner shall join investigation before the Investigating Officer. In the event of his arrest, the Arresting Officer would admit him to interim bail, till the next date of hearing, on furnishing adequate bail and surety bonds to his satisfaction. The petitioner shall also abide by all the conditions as envisaged under Section 438(2) of Code of Criminal Procedure, 1973.*

*At this stage, Mr. Amrit Singh Kang, Advocate, appears on behalf of the complainant.”*

(4) Learned Counsel submits that in pursuance of the aforesaid order, petitioner has already joined investigation and his custodial interrogation is not required.

(5) Learned State Counsel, on instructions from ASI Avtar Singh, submits that petitioner has joined investigation and as on today, his custodial

interrogation is not required. Also acknowledged the fact that Civil Suit is already pending between the parties.

(6) On the other hand, learned Counsel for the complainant vehemently opposed the petition; but the same is liable to be rejected for the following reasons:-

- (i) *petitioner has already joined the investigation and his custodial interrogation is not required by the Investigating Officer;*
- (ii) *Civil Suit is already pending between the parties.*

(7) In view of the above, interim order dated 07.08.2023 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.

(8) It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.

(9) The above observations may not be construed as an expression of opinion on merits of the case; rather confined only to decide the present bail matter.

(10) Disposed off accordingly.

(11) Pending application(s), if any, shall also stand disposed off.

September 11<sup>th</sup>, 2023  
Gagan

( MAHABIR SINGH SINDHU )  
JUDGE

|                                  |               |
|----------------------------------|---------------|
| <i>Whether speaking/reasoned</i> | <i>Yes/No</i> |
| <i>Whether Reportable</i>        | <i>Yes/No</i> |