

2023:PHHC:084185

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

CRM-M-46675-2022 (O&M)

Date of Decision: 05.07.2023

BHARPUR SINGH

... PETITIONER

VS.

STATE OF PUNJAB

.. RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Ms. Shivya Sehgal, Advocate
for the petitioner.

Ms. Ruchika Sabherwal, DAG, Punjab.

VIVEK PURI, J.(ORAL)

1. The petitioner is seeking anticipatory bail in the case bearing FIR No.119 dated 23.09.2022 under Sections 354, 323, 506, 427 and 34 IPC registered at Police Station Kotwali Nabha, District Patiala.
2. On 10.10.2022, the following order was passed by the Coordinate Bench of this Court:-

“Learned counsel for the petitioner inter-alia contends that the petitioner, who is 75 years old with several ailments including heart disease, has been falsely implicated in this case; the petitioner has no other criminal antecedents; the petitioner has filed a eviction petition for getting evicted the complainant's father from the premises of which he is the landlord; as a counter blast to the same as also to put pressure on the petitioner to withdraw the afore-referred eviction proceedings, the present FIR has been got lodged by the complainant; on 22.06.2020, the petitioner had filed a complaint with the police in which he had alleged that the complainant had threatened to involve him in a criminal case of similar nature to prevent the petitioner from initiating proceedings to evict the complainant and her family from the tenanted premises owned by the petitioner; the complainant's father has also filed a injunction suit against the petitioner which also remains pending and that the petitioner is also ready and willing to join and cooperate with the investigation.

Notice of motion.

Mr. Vinay Kumar Gupta, AAG, Punjab, accepts notice on behalf of the respondent-State and prays for time to argue the matter.

Adjourned to 08.02.2023.

In the meanwhile subject to the petitioner's joining investigation as and when called by the investigating agency as also abiding by the other conditions provided under Section 438(2)

Cr.P.C, in the event of his arrest in FIR No.119, dated 23.09.2022, registered under Sections 354, 323, 506, 427 and 34 IPC at Police Station Kotwali Nabha, District Patiala, he shall be released on ad interim anticipatory bail to the satisfaction of the Arresting Officer.”

3. Learned counsel for the petitioner contends that in pursuance of interim directions issued by this Court, the petitioner has joined the investigation.

4. Learned State counsel, on instructions from ASI Ripan Kumar, submits that the petitioner has joined the investigation and his custodial interrogation is not required. Furthermore, cancellation report is being prepared in the instant case.

5. Keeping in view the entire circumstances, sufficient grounds are made out to extend the concession of pre-arrest bail to the petitioner. Accordingly, order dated 10.10.2022, vide which the petitioner has been granted interim bail, is made absolute.

6. Petition is allowed.

05.07.2023
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(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No