

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-5065-2024

Date of Decision: February 09, 2024

AMANDEEP SINGH AND ANOTHER Petitioners
Versus
STATE OF PUNJAB Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Ms. Divya Gulati, Advocate for the petitioners.
Mr. Gurlal Singh Dhillon, AAG, Punjab.
Ms. Ravisha Mahajan, Advocate for the complainant.

HARKESH MANUJA, J. (ORAL)

Through this petition filed under Section 438 Cr.P.C. prayer has been made for grant of anticipatory bail to the petitioner, in case FIR No.04 dated 12.01.2024 registered under Sections 447, 448, 427, 380, 506 and 34 of IPC at P.S. Division C, District Amritsar.

2. On 01.02.2024, the following order was passed:-

“Learned counsel for the petitioners, inter alia, submits that even if the averments made in the petition are taken at its face value, ownership of the petitioners has not been disputed. Moreover, it has been stated in the FIR that the complainant had shifted his family business to some other place; thus prima facie, no offence has been committed. The present FIR is a result of tenancy dispute between the parties.

Notice of motion.

Mr. Gurlal Singh Dhillon, Advocate, accepts notice on behalf of the respondent-State, whereas Ms. Ravisha Mahajan, Advocate, appears and filed vakalatnama on behalf of the complainant-Ashwani Kumar.

At this stage, learned counsel for the petitioners as well as learned counsel for the complainant are ad idem that there is possibility of settlement between the parties.

Let the parties appear before the Mediation and Conciliation Centre of this Court on 02.02.2024 to explore the possibility of compromise and report in this regard be submitted by the next date of hearing.

List on 09.02.2024 for further consideration.

In the meanwhile, petitioners will join investigation before the Investigating Officer as and when called. In the event of their arrest, the Arresting Officer would admit them to interim bail, till the next date of

hearing, on their furnishing adequate bail bonds/ surety bonds to his satisfaction. The petitioners are directed to abide by all the conditions as envisaged under Section 438(2) of Code of Criminal Procedure, 1973.”

3. Learned State counsel informs that in compliance of order dated 01.02.2024, petitioner has joined the investigation and is no more required for further interrogation. Besides it, a report from the Mediation and Conciliation Centre of this Court has been received, as per which, no settlement could be arrived at between the parties.

4. Learned counsel appearing on behalf of the complainant vehemently opposes the prayer made herein while submitting that certain machine and utensils which were lying in the premises in question have been stolen away by the petitioner.

5. I have heard learned counsel for the parties and gone through the paper-book.

6. A perusal of the FIR shows that once the petitioner has already joined the investigation and is no more required by the Investigating Agency, the allegations of theft regarding machine and the utensils shall be gone into at the stage of trial.

7. Having considered the facts and circumstances of the case, wherein the dispute between the private parties relates to the demolition of premises owned by the petitioner which could only be decided after granting the parties to lead their evidence, the order dated 01.02.2024 passed by this Court is made absolute.

8. Disposed of accordingly.

09.02.2024
tejwinder

(HARKESH MANUJA)
JUDGE

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

