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

**CRM-M-29924-2024
DATE OF DECISION: 14.06.2024**

**DAVINDER KUMAR @ DAVINDER SINGH @ DAVINDER
SAINI ...PETITIONER**

Versus

STATE OF UT CHANDIGARH ... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Abhinav Singla, Advocate for the petitioner(s).
Mr. P.S. Paul, Addl. PP, UT Chandigarh.

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court has been invoked under Section 438 of Cr.P.C., for grant of anticipatory bail in case FIR No.81 dated 25.05.2024 registered under Sections 120-B/420/448/467/468/471/511 IPC at Police Station Sector-39, District Chandigarh.

2. Learned counsel for the petitioner submits that the allegations against the petitioner is that he is in illegal possession of house in question i.e. H. No.37, Sector-56, Chandigarh which is to have been purchased from maternal grandfather of the complainant after he expired on 19.06.2022. The complainant started troubling the present petitioner alleging his illegal possession over the house whereas no offence is made out under Sections 120-B/420/448/467/468/471/511 IPC.

3. Notice of motion.



4. On the asking of Court, learned State Counsel appearing on advance notice, accepts notice on behalf of respondent-State and on instructions opposes the prayer for grant of bail but could not produce any incriminating evidence against the petitioner which could prima facie made a case against the petitioner wherein custodial interrogation is to be required since whatever material is to be examined i.e. documentary in nature and is available with the investigating agency along with the complaint submitted by the complainant himself.

5. This Court is sanguine of the fact that the petitioner has already filed civil suit for possession under Section 6 of Specific Relief Act alongwith an application for permanent injunction which is pending before the Civil Court, Chandigarh asserting that the dispute involved in this case is civil in nature, once the property is alleged to have been purchased by the petitioner from maternal grandfather of the complainant in the year 2003 which is also a subject matter of civil dispute to be adjudicated.

6. After having heard learned counsel for both the parties, this Court finds no reason to deny the petitioner the concession of bail if the petitioner has bona fide intentions and is willing to join the investigation and cooperate for furtherance of the same so that the final report can be submitted by the Investigating Agency in time.

7. Hence, in view of the admitted set of circumstances before this Court, the petitioner is directed to be released on anticipatory bail



subject to his joining investigation and reporting to the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the terms and conditions as envisaged under Section 438(2) of Cr.P.C.

8. However, it is made clear that in case the petitioner does not comply with the aforesaid direction of joining the investigation within one week, the order passed by this Court today shall automatically stands cancelled.

9. The petition in the aforesaid terms stands disposed off.

(SANDEEP MOUDGIL)
JUDGE

14.06.2024
anuradha

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