

2024:PHHC:003409

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

201

**CRM-M-54230-2023 (O&M)
Date of Decision : 11.01.2024**

KISHAN BALDEV SURI AND ANOTHERPetitioners

VERSUS

STATE OF PUNJABRespondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Ashok Saini, Advocate,
for the petitioners.

Mr. Mohit Chaudhary, AAG, Punjab

KULDEEP TIWARI. J.(Oral)

1. On the last date of hearing i.e. 26.10.2023, the following
order was passed by this Court:-

“The petitioner has filed the present petition for grant of anticipatory bail in case FIR No. 0154 dated 3.10.2023, under Sections 457, 427, 380, 506, 148, 149 IPC, registered at Police Station City Batala.

Learned counsel for the petitioners submits that the property in dispute was an old building having 15 shops owned by one Santokh Singh son of Atma Singh, who had mortgaged the same with the Punjab and Sind Bank on behalf of M/s S.P.Tractors, Batala. He has further submitted that because of non-payment of loan, the property was auctioned by the Bank in the month of August, 2005 and as per the orders of the DRT, Chandigarh, the sale was confirmed in the favour of Rakesh Kumar, Palwinder Pal, Simmi Sony and Geeta Sony. He has further submitted that some of the shops in question are in possession of different tenants and on dated 23.8.2023, the petitioners tried to collect the 'Malba' of the roof which had fallen down, as the shops were in a dilapidated condition. Taking the advantage of the above situation, the complainant has lodged the present FIR with the false allegations that the petitioners have tried to dispossess him by demolishing the shops. Learned counsel for the petitioners has further submitted that primarily the dispute is of civil nature and the similar FIR No. 135 dated 19.9.2023 was registered against the petitioners wherein, they were also granted the concession of anticipatory bail by the Sessions Court. He has further submitted that the petitioners have no intention to dispossess the complainant forcefully without taking any legal course.

At this stage, Mr. Teevar Sharma, AAG, Punjab has opposed the grant of anticipatory bail on the ground that the complainant has filed a suit for injunction and ad-interim injunction was granted in favour of the complainant, despite that the petitioners had tried to dispossess the complainant by taking law in their hands.

Heard. Primarily the case seems to be of civil nature and the dispute is between the tenant and the landlord. Considering the totality of facts, this Court deemed appropriate to grant interim relief to the petitioners.

Notice of motion for 11.01.2024.

In the meanwhile, in the event of arrest, the petitioners shall be released on interim bail subject to their furnishing of personal and surety bonds to the satisfaction of the Arresting/Investigating Officer. The petitioners shall, however, join the investigation as and when called for and shall also abide by the conditions specified under Section 438(2) of the Cr.P.C.”

2. Learned State counsel, on instructions imparted to him by ASI Davinder, submits that the petitioners have already joined the investigation in pursuance to the aforesaid order, and they have fully co-operated with the investigation process, and are no more required for any further custodial investigation.
3. In view of the specific stand taken by the learned State counsel, the present petition is allowed, and order dated 26.10.2023 is, hereby, made absolute.
4. All pending application(s), if any, also stands disposed of.

January 11, 2024

dharamvir

(KULDEEP TIWARI)

JUDGE

Whether speaking/reasoned. : Yes/No

Whether Reportable. : Yes/No