

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

CRM No. M-17303 of 2015 (O&M)

Date of Decision: 07.07.2015.

Ranjit Kaur & another

... Petitioners

Versus

State of Punjab

... Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Sandeep Arora, Advocate for the petitioner.

Mr. Nikhil K. Chopra, DAG, Punjab.

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TEJINDER SINGH DHINDSA.J.

This order shall dispose of the instant petition filed under Section 438 Cr.P.C. seeking the concession of pre-arrest bail to the petitioners in case FIR No.112 dated 17.06.2014, under Sections 380/448 IPC, registered at Police Station Basti Bawa Khel, District Jalandhar.

Counsel for the parties have been heard.

FIR was registered on the statement of Anil Kumar, who had claimed that he had been residing in House No.112, Gali No.3, Shahid Babu Labh Singh Nagar, Jalandhar on rental basis. He further claimed that his brother was confined to bed and on account of the ill health of his brother he had to stay back in village for a long period of time. When he returned back to his house, he found that the locks of the rental premises have been broken and some other persons were residing there.

Petitioner No.2, namely, Kulwant Singh @ Billa is stated to be the owner of the demised premises. Allegations are further in relation to one bed, one TV 14 inches, a ceiling fan and certain domestic articles having

been removed.

On 05.06.2015, this Court had directed the petitioners to present themselves before the Investigation Officer.

Learned State counsel upon instructions from ASI Lakhbir Singh would apprise the Court that the petitioners have since joined investigation.

In response to a specific query having been put to the learned State counsel, nothing has been brought forth to demonstrate that the complainant was ever a tenant in the premises in question. No rent note/receipt has been produced by the complainant before the Investigating Agency.

In view of the factual position, wherein the petitioners have joined investigation, custodial interrogation of the petitioners as such would not be warranted.

Petition is allowed.

Petitioners shall be released on interim bail subject to the satisfaction of the Arresting Officer/Investigating Officer. The petitioners shall join investigation as and when called upon to do so and they shall remain bound by the conditions envisaged under Section 438(2) Cr.P.C.

07.07.2015

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**