

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

CRM-M-20046 of 2015(O&M)

Date of Decision: 24.07.2015

Surjit Singh

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE SNEH PRASHAR

Present: Mr. S.P. Soi, Advocate
for the petitioner.

Mr. Ashish Sanghi, DAG, Punjab assisted by ASI Naresh Kumar

SNEH PRASHAR, J. (Oral)

CRM-22864 of 2015

This is an application filed under Section 482 Cr.P.C. for placing on record the documents relating to the property in dispute as Annexure P-10.

Application is allowed and the same is taken on record.

CRM-20591 of 2015

This is an application filed under Section 482 Cr.P.C for placing on record the documents relating to marriage and matrimonial dispute of Daljit Singh Sandhu s/o complainant as Annexure P-8 and P-9.

Application is allowed and the same are taken on record.

CRM-M-20046 of 2015

1. The present petition has been filed under Section 438 of the

Code of Criminal Procedure (Cr.P.C.) for grant of concession of anticipatory bail to the petitioner in case First Information Report No.7 dated 19.05.2015 under Sections 448 and 420 of the Indian Penal Code (for short 'IPC) registered at Police Station NRI Jalandhar, District Jalandhar.

2. The accusation against the petitioner was that in the absence of complainant-Kulvir Kaur, he had illegally taken possession of complainant's house and had misappropriated valuable articles, gold and documents etc. lying in the house.

3. The complainant stated that on 03.01.2015 when she came from England to India and went to her house she saw that the locks put on the door by her were broken and the house was locked from inside. When she knocked at the door the petitioner, his family members came out and abused her and threw her suitcase out of the door.

3. Heard the submissions made by Mr. S.P. Soi, Advocate representing the petitioner and Mr. Ashish Sanghi, DAG, Punjab representing State.

4. It is submitted on behalf of the petitioner that he is in established possession of the house for the last 14 years. The house was given to him by his grandfather to compensate him and other family members for the agricultural land purchased by him in the name of complainant. He had got installed a landline phone and one electricity connection in the house in the year 2001 and got another electricity connection in the shop situated in the house in his name. He was

residing in the house with his family and his possession could not be said to be unlawful or illegal.

It was reported by the Patwari on the order of Naib Tehsildar, passed on the application given by the petitioner the house falls within the red line of village Mehatpur. For that reason there is no document regarding ownership of the house.

No document could be produced by the petitioner to prove his title qua the house in question. Also, there is no document to indicate delivery of possession of the house to him by his grandfather with permission of the complainant. There are specific allegations against the petitioner that he had illegally taken possession of the house by breaking open the locks put on the house by the complainant, who is the true owner. It was mentioned in the First Information Report that the inquiry held into the allegations of the complainant revealed that the petitioner, by presenting wrong facts to the Electricity Department, had managed to had got the electricity connection installed in his name in the house in question and get the electricity meter in the name of the complainant disconnected.

Learned State counsel submitted that documents falsely prepared by the petitioner for getting installed electricity connection etc. are to be recovered from him for which his custodial interrogation is necessary.

5. In the aforesaid facts and circumstances of the case and without going into the merits, in my considered opinion no ground for

release of the petitioner on anticipatory bail is made out and the present
petition is hereby dismissed.

July 24, 2015
rashmi

(SNEH PRASHAR)
JUDGE