

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

CRM-M-24983-2015

Date of decision: 13.8.2015

Kewal Krishan

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Yogesh Goel, Advocate for the petitioner.

Ms. Rajni Gupta, Addl. Advocate General, Punjab.

Mr. Aayush Gupta, Advocate for the complainant.

Rajan Gupta, J.

This is a petition under Section 438 Cr.P.C. seeking pre-arrest bail in a case registered against the petitioner under Sections 454, 380, 448, 506, 120-B IPC at Police Station Sadar, Ludhiana, District Ludhiana, vide FIR No.113 dated 17.06.2015.

Learned counsel for the petitioner submits that petitioner has nothing to do with the alleged offences and he has been implicated falsely in the present case. The petitioner and his brother Vijay Kumar took the house of complainant on rent and they have been paying rent @ Rs.12,000/- per month. The complainant has adopted illegal means to get the property vacated. Thus, petitioner deserves to be granted concession of pre-arrest bail.

Prayer has been opposed by learned State counsel as well as counsel for the complainant on the ground that custodial interrogation of

the petitioner is necessary as recovery of the articles is yet to be effected from the petitioner.

I have heard learned counsel for the parties and given careful thought to the facts of the case.

FIR was lodged on the complaint made by Ajay Kumar Narula who alleged that he alongwith his mother Satya Wati Narula is owner of House No.213, Moti Bagh Colony, Ludhiana. They allowed the accused to live in three rooms on first floor and one room, kitchen and bathroom on the second floor of the said house, being their relatives. Complainant is resident of Dehradun and he kept some portion of the house with him, wherein sofa-set, bedding, almirah, utensils, cooler, fan, washing machine etc. were lying. The accused in connivance with each other had stolen the said articles in the absence of the complainant and had taken illegal possession of the said portion of the property. When complainant asked accused about the same, they threatened him with dire consequences.

Keeping in view nature of allegations, petitioner is not entitled to concession of pre-arrest bail. As per prosecution, recovery of articles is yet to be effected from the petitioner. His custodial interrogation may be necessary to take the investigation to its logical end. Petition is without any merit and is hereby dismissed.

(RAJAN GUPTA)
JUDGE

13.8.2015
'Rajpal'