

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

CRM-M-30457-2015
Date of decision: 18.9.2015

Sanjeev Kumar ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. G.S. Verma, Advocate for the petitioner.
Ms. Rajni Gupta, Addl. Advocate General, Punjab.

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 420, 506, 448, 511 IPC at Police Station Jodhewal, District Ludhiana, vide FIR No.247 dated 13.07.2015.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in the case. The dispute is of civil nature. Thus, petitioner deserves concession of anticipatory bail. According to him, petitioner had already taken possession of the property.

Prayer has been opposed by the State counsel. According to him, custodial interrogation of the petitioner is required as he took forcible possession of the property in question.

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

FIR was lodged on the complaint of complainant Ajay

Kumar Chaudhary. He stated that he had entered into an agreement to sell in respect of a plot measuring 71.11 sq. yards owned by him, total consideration being Rs.21.00 lacs. On 23.2.2015, he received Rs.4.00 lacs as earnest money from the accused. On 20.5.2015, he went to the office of Sub Registrar for registration of sale deed but accused remained absent. Thereafter, accused took forcible possession of the property by breaking open its lock. All articles lying therein were misappropriated. In view of nature of allegations, I am of the considered view that petitioner is not entitled to concession of pre-arrest bail. He is alleged to have trespassed into the property and taken forcible possession thereof. This was done without payment of balance consideration to the complainant.

No merit. Dismissed.

(RAJAN GUPTA)
JUDGE

18.9.2015
'Rajpal'