

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-38741-2015

Date of Decision: November 26, 2015

Sanjeev Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr. Animesh Sharma, Advocate,
for the petitioner.

Mr. K.S. Pannu, DAG, Punjab,
for the respondent.

Mr. R.S. Bajaj, Advocate,
for the informant.

1. *Whether Reporters of local papers may be allowed to see the judgment?*
2. *To be referred to the Reporters or not?*
3. *Whether the judgment should be reported in the Digest?*

NARESH KUMAR SANGHI, J (Oral)

Prayer in this petition, filed under Section 438, Cr.P.C., is for grant of anticipatory bail to the petitioner, Sanjeev Kumar son of Late Kasturi Lal, resident of House No. 77/78, Mohalla No. 11, Jalandhar Cantt., who has been booked for having committed the offences punishable under Sections 201, 380 and 448, IPC, in a case arising out of FIR No. 44, dated 1.9.2015, registered at Police Station, Cantt., Jalandhar.

Learned counsel for the petitioner at the very outset submits that in compliance of the interim directions issued vide order dated 10.11.2015, the petitioner has joined the investigation; the informant, Vijay Kumar, who is the real uncle of the petitioner, had filed a civil suit claiming possession of first and second floor of the house in dispute, which was decided against him (informant) and the appeal has also been dismissed by learned District Judge; though the suit filed by the petitioner challenging title of the house in favour of the informant was dismissed, yet the finding was returned that the petitioner was licensee of the first and second floor of the said house.

Learned counsel for the State on instructions from SI Hans Raj of Police Station, Cantt., Jalandhar, submits that though the petitioner has joined the investigation, yet the articles alleged to have been removed from the first floor of the house in question, have not been recovered.

Mr. R.S. Bajaj, learned counsel for the informant, Vijay Kumar, has vehemently opposed the arguments raised by learned counsel for the petitioner and submitted that in the civil suit filed by the petitioner, learned Civil Court has not held that the petitioner was in possession of the first and second floor of the house in dispute as licensee. He further submitted that

during course of the proceedings of the civil suit, the petitioner did admit that the informant was in possession of the first and second floor of the house in dispute.

I have heard learned counsel for the parties and with their able assistance gone through the material available on record.

It is not in dispute that the petitioner, Sanjeev Kumar, and the informant, Vijay Kumar, are real Nephew and Uncle, respectively. It has also not been disputed that civil litigation is going on between both of them. It has also not been disputed that the petitioner has joined the investigation in the present case.

In view of totality of the facts and circumstances of the case, but without observing anything on merits, the present petition is accepted. The interim directions issued vide order dated 10.11.2015, are made absolute. The petitioner shall continue to join the investigation as and when required to do so and abide by all the conditions laid down under Section 438(2), Cr.PC.

(NARESH KUMAR SANGHI)
JUDGE

November 26, 2015
Pkapoor