

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-4588 of 2015 (O&M)

Date of Decision: 11.05.2015.

Shashi Kumar

--Petitioner

Versus

State of Punjab

--Respondent

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

Present:- Mr. Achin Gupta, Advocate for the petitioner.

Mr. Nikhil K. Chopra, D.A.G., Punjab.

Mr. Amaninder Preet, Advocate for the complainant.

TEJINDER SINGH DHINDSA.J

This order shall dispose of the present petition filed under Section 438 Cr.P.C praying for grant of anticipatory bail to the petitioner in case F.I.R. No. 19 dated 24.1.2015 under sections 420, 465, 468, 471, 120-B I.P.C registered at Police Station, Kotwali Faridkot, District Faridkot.

Perusal of the F.I.R in question would reveal that the allegations against the present petitioner namely Shashi Kumar as also his father i.e. Vijay Kumar (since deceased) are that they in connivance with each other had forged a rent note as also rent receipt by affixing signatures of complainant Kuldeep Singh and thereby obtained license of a medical store by furnishing the same to the District Drug Inspector, Faridkot.

On 12.2.2015, while issuing notice of motion, the following order was passed by this Court:-

“Learned counsel for the petitioner has submitted that FIR in question is a result of landlord and tenant dispute and civil litigation is already pending between the parties.

Notice of motion for 11.05.2015.

In the meantime, in the event of arrest, petitioner be admitted to interim bail subject to the satisfaction of the Arresting Officer. He shall abide by the conditions envisaged under Section 438(2) of the Code of Criminal Procedure, 1973.”

Learned State counsel upon instructions from ASI Satpal Singh would apprise the Court that even though the petitioner has joined investigation but is not cooperating inasmuch as the original rent receipt is not forthcoming.

Even counsel appearing for the complainant vehemently opposes the prayer made in the petition by submitting that even though the petitioner was a tenant in the shop and an eviction application already has been filed on the ground of the premises being dilapidated and unfit for occupation but merely on account of civil proceedings having been initiated would not give right to the petitioner to forge documents and to set up a rent note and rent receipt which was never issued by Kuldeep Singh.

Having heard learned counsel for the parties at length, this Court is of the considered view that the petitioner is entitled to the concession of pre-arrest bail.

It has gone undisputed that the license obtained on the basis of the alleged rent note has since been cancelled on 8.5.2015. That apart, counsel appearing for the complainant has not been able to demonstrate as to how the petitioner has gained from the alleged forged document of rent receipt/rent note in so far as the relationship of landlord and tenant is concerned as factum of tenancy has never been in dispute.

The petitioner having already joined investigation, his custodial interrogation would not be warranted.

As such, without making any observations on merits, present petition is allowed. Order dated 12.2.2015, passed by this Court, is made absolute.

Disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

11.05.2015
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