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

CRM-M-10774-2016
Date of decision : 04.04.2016

Gurdeep Singh Petitioner

VERSUS

State of Punjab Respondent

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI.

Present: Mr. Daldeep Singh, Advocate for the petitioner.

Mr. Sidakmeet Singh Sandhu, AAG, Punjab.

Mr. Rajan Bansal, Advocate for the complainant.

M.M.S. BEDI, J.(Oral)

The petitioner seeks concession of bail in a case registered at the instance of complainant-Tapan Kumar Mohanty alleging that he has been in possession of a house on rent in Bathinda, on Ajit Road and that the owner of the house had given possession of the house to Mani Singh, who had further handed over the possession to the complainant. An agreement was executed between the complainant and Jatinder Kaur on 20.01.2015 for sale of the house to the complainant for sum of ₹ 1.25 crore and a sum of ₹ 30 lakhs had been paid by the complainant as earnest-money. The grievance of the complainant is that Jitender Kaur alongwith the petitioner and

few unknown persons had committed theft of the domestic articles, jewellery and made an attempt to take forcible possession of the house in dispute.

Learned counsel for the complainant has intervened to oppose the application for bail contending that the petitioner alongwith Jatinder Kaur has made an attempt to forcibly dispossess the complainant and a suit for injunction has been filed by the complainant.

On the other hand, learned counsel for the petitioner submits that the owner has filed a suit for injunction against the complainant. It is a case of theft and no recovery has been effected from the petitioner.

On asking of the Court, ASI-Major Singh informs that the prosecution agency did not seek police remand of the petitioner.

Taking into consideration the aforesaid facts the dispute appears to be amongst the landlord owner and the tenant regarding possession. The complainant is yet to establish his right on the basis of an agreement of sale which does not confer any title. The civil suit regarding enforcement of civil rights and suit for injunction are pending between the parties. The petitioner being in custody w.e.f. 01.03.2016, he can be granted the concession of bail.

Petition is allowed. Petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the trial Court subject to the condition that the petitioner will not indulge in the similar offence of which he is accused of during the period of trial and will not make any attempt to threaten the witnesses.

April 04, 2016
Ramandeep Singh

(M.M.S. BEDI)
JUDGE