

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

**CRM-M No.36516 of 2016
Date of Decision: 10.10.2016**

K.C. Gupta and others

....Petitioners

Vs.

State of U.T., Chandigarh and another

....Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH.

Present: Mr. Atul Lakhanpal, Senior Advocate with
Mr. Rajwant Singh Chahal, Advocate
for the petitioners.

Ms. Aashima Mor, Advocate for U.T., Chandigarh.

Mr. D.R. Singla, DAG, Haryana

Amol Rattan Singh, J (Oral)

By this petition, the petitioners seek the concession of anticipatory bail, stating in the petition that petitioners No.1 to 3 have purchased a house from petitioners No.4 and 5 on 30.12.2015, in which one Jagdeep was staying as a licensee, pursuant to a licence deed dated 04.07.2011 (Annexure P-2), which was for a period of two years only, i.e. up to 30.06.2013. However, he vacated the premises on 03.10.2016, i.e. one week back.

One Varun Malik had thereafter started claiming that he too was a tenant in the property along with the aforesaid Jagdeep, and lodged a complaint against the petitioners in Chandigarh, Rohtak and Jhajjar, which the petitioners came to know because, allegedly, the police of both the U.T. Chandigarh and Haryana, came and threatened the petitioners to put Varun

Malik in possession of the second floor of the house, as submitted by learned Senior Counsel. It is contended that Varun Malik was never a tenant either of petitioners No.1 to 3, or of petitioners No.4 and 5, and only because the premises has been vacated by the aforesaid Jagdeep and vacant possession has been handed over to the petitioners, they are now being harassed at the hands of the police at the instance of the aforesaid Varun Malik, who wants to take forcible possession of the house.

Upon notice having been issued by a coordinate Bench on 07.10.2016, Ms. Aashima Mor, Advocate, puts in appearance for U.T., Chandigarh, and Mr. D.R. Singla, DAG, Haryana, though present, submits that he has no instructions in the matter.

The property is stated to be situated in U.T., Chandigarh.

Ms. Aashima Mor, has made a statement in Court, on instructions from Sub-Inspector Ramesh Kumar, posted at Police Station, Sector-11, Chandigarh, to the effect that no FIR has been registered against the petitioners and there is no proposal whatsoever, to arrest them.

Thus, as regards U.T. Chandigarh, there being no proposal to either include the names of the petitioners in the FIR, or to arrest them, if, for any reason subsequently, they are sought to be arrested, one weeks' notice would be given by the U.T. Police to the petitioners, prior to their arrest.

However, since the petitioners have also stated in the petition that the officials of the Haryana police have visited their residence, allegedly to threaten them and the learned counsel for the State of Haryana has submitted that he has no instructions in the matter, the property being

situated in Chandigarh, it is not understood as to how the Haryana police would have any jurisdiction or concern in the matter. Hence, the same direction is issued to the Director General of Police, Haryana, also, that in case the petitioners are sought to be arrested, they would be given one weeks' notice prior to their arrest being made.

Accordingly, this petition is disposed of with the aforesaid directions.

A copy of this order be given to the learned counsel for the State of Haryana, as also for the U.T., Chandigarh, under signatures of the Special Secretary of this Bench.

October 10, 2016
vcgarg

(AMOL RATTAN SINGH)
JUDGE

Whether reportable?	no
Whether reasoned/speaking?	Yes