

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

CRM-M No.36650 of 2016

Date of decision: October 10, 2016

Sukhwinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Gurbir S. Toor, Advocate
for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab
for the respondent-State.

JASPAL SINGH, J.(ORAL)

By virtue of the instant petition preferred under Section 438 of Cr.P.C., petitioner, namely, Sukhwinder Singh has sought the concession of pre-arrest bail, feeling apprehension of his arrest, in case bearing FIR No.251 dated 22.07.2016, under Sections 456, 34, 120-B of Indian Penal Code, registered at Police Station City Barnala, District Barnala.

The contention of learned counsel for the petitioner is that the petitioner is an innocent person and has been falsely implicated in the instant case which has been registered at the behest of the Deputy Chief Minister, Punjab. In fact, the petitioner is a tenant under Pawan Kumar-landlord in the shop(s) and is regularly paying rent to him. The fact of the matter is that, Madhav Singla who is nonetheless but son of the complainant is bent upon to take forcible possession of the shops which are in possession of the petitioner as well as some other person(s). Moreover, civil litigation is also pending in between the complainant-Pawan Kumar which has mainly

triggered after the demise of the husband of the complainant. The petitioner also undertakes to join the investigation as well as to abide by all other terms and conditions in case he is granted the concession of pre-arrest bail.

This Court has given an anxious thought to the aforesaid submissions made by learned counsel for the petitioner but does not find any merit.

After the execution of the sale deed as well as the gift deeds in favour of the complainant and her son Madhav Singla, that too, during the life time of the husband of the complainant, Pawan Kumar has left with no right, title or interest in the property but by joining hands and in connivance with the petitioner and some other persons named in the FIR, he has succeeded in taking away forcible possession after breaking open the locks not only of the house bearing khata No.296/469, khasra No.212/0-14 as well as the shops. When Pawan Kumar is left with no right, title and interest in the property, it is an astonishing fact as to how Pawan Kumar has rented out the shops to the petitioner and some other persons, especially, in the circumstances, he has no interest in those shops. It appears that after the demise of the husband of the complainant, there is a litigation and during the pendency thereof, said Pawan Kumar by joining hands with the petitioner and some other persons forcibly took the possession and allegedly rented out the shops to the petitioner and some other persons. The petitioner has taken the law in his hands while forcibly occupying the house and the shops. Such a person does not deserve the concession of pre-arrest bail which is otherwise required to be exercised in extraordinary circumstances where the allegations are found to be groundless or false.

Finding no merit in the instant petition, the same is dismissed.

October 10, 2016
m. sharma

(JASPAL SINGH)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No