

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-10060 of 2017

Date of Decision: 20.11.2017

Jagroop Singh @ Jaggi

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. D.S. Malwai, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 438 Code of Criminal Procedure for grant of anticipatory bail to the petitioner in case FIR No. 409 dated 14.12.2016 registered for offences punishable under Sections 420/380/448/34 of Indian Penal Code (for short 'IPC'), at Police Station City Sangrur, District Sangrur.

Heard.

Learned State counsel on instructions from ASI Gurdeep Singh submits that petitioner has joined the investigation and in FIRs No. 46 dated 10.02.2008 and 432 dated 26.12.2011, registered at Police Station City Sangrur he has already been acquitted. He, however, opposes the bail application of petitioner on the ground that recovery of articles of complainant are yet to be effected from him.

Learned counsel for the petitioner submits that the petitioner is President of *Baba Himmat Singh Dharamshala*, which has shops at the bus-stand. Due to raising of level of bus-stand, floor level of those shops has

come down resulting in entering of rainy water in the shops. On asking of

complainant who is a tenant in one of the shop of *Dharamshala*, it was decided to raise the level of shop and complainant removed articles of his shop to keep the same in *dharamshala*. Complainant has alleged that on the intervening night of 08/09.12.2016, he found that his articles lying in the shop i.e. fridge, one *bhathi* and counter were missing. He suspects that these articles have been removed by petitioner alongwith 2-3 persons. Thereafter, talks of compromise between the parties were in progress. The complainant has neither vacated the shop nor paying the rent and has put the shop under lock. He lodged this FIR against petitioner out of personal vendetta.

As per allegations in the FIR, complainant has expressed his suspicion that articles lying in his shop may have been stolen by petitioner alongwith 2-3 persons. The investigation is still in progress and no evidence to this effect has come on record.

Keeping in view above facts but without expressing any opinion on the merits of the case, this petition is allowed and order dated 24.03.2017 is made absolute till the presentation of challan, subject to the following terms:-

- (i) that the petitioner shall make himself available for interrogation by the police as and when required;
- (ii) that the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer;
- (iii) that the petitioner shall not leave India without the prior permission of the Court.
- (iv) that the petitioner will seek regular bail on the presentation of challan in Court.

November 20, 2017
jk

Whether speaking/reasoned
Whether reportable

(SURINDER GUPTA)
JUDGE

Yes/No
Yes/No