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

**CRM-M-38115-2017
Date of Decision :13.10.2017**

Jawahar Lal Uppal

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Sanjeev Kumar Bawa, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

FATEH DEEP SINGH, J. (ORAL)

Allegations against the petitioner-Jawahar Lal Uppal in this petition filed under Section 439 Cr.P.C. seeking regular bail in case FIR no.185 dated 09.08.2017 registered at Police Station Sadar Jalandhar, District Jalandhar under Sections 447/427/420/465/467/468 IPC are that he was caretaker of a house owned by Balwinder Singh an NRI who has given power of attorney to Jasvir Singh and that the petitioner manipulated the records and had got an electricity connection in his name and taken illegal possession of the house.

The contention of the learned counsel for the petitioner is that the petitioner is behind the bars since 02.09.2017 and that civil proceedings under the Rent Act are pending between the parties and the petitioner was in legitimate possession of the house since 31.08.1978 as a tenant.

Though, learned State counsel has stoutly opposed the bail application on the ground that the petitioner has broke open the locks and

taken illegally possession of house and has shown himself to be a tenant in the premises which is actually not so.

Appreciating the submissions of the two sides, to the very specific query of the Court, the learned State counsel has accepted that there is no documentary evidence to show that the house in any manner was broken and illegally the petitioner has taken occupation of the same or the fact that the petitioner was never residing in the said house since 1978.

In light of the same, the period of incarceration already undergone by the petitioner and the fact that the culpability if any shall be determined at the time of trial which is not likely to conclude in near future and so the very relationship between the complainant and the petitioner whether a tenant or an illegal occupant would be judicially adjudicated by the civil Court impels this court to allow the prayer made. Accordingly, the petitioner is ordered to be released on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, Jalandhar.

Petition stands disposed off accordingly.

(FATEH DEEP SINGH)
JUDGE

October 13, 2017

Sunil Devi

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No