

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

CRM No.M-11996 of 2019 (O&M)

Date of Decision: March 19, 2019

Vijay Kumar

...Petitioner

VERSUS

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

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

Mr.Dhruv Dayal, Sr.DAG, Punjab
for the respondent-State.

Mr.R.S.Athwal, Advocate
for the complainant.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.5 dated 13.02.2019 under Sections 420 and 120-B IPC, registered at Police Station NRI, Jalandhar.

Notice of motion was issued. Learned State counsel as well as learned counsel for the complainant appeared and contested the petition.

I have heard learned counsel for the parties as well as learned State counsel and have gone through the record.

As per allegations in the FIR, complainant is a NRI and residing in England for the last so many years. Mother of the complainant

Smt. Tej Kaur, owner of the property, rented out one shop to M/s Carona

Ltd. and during her lifetime, she had filed an ejectment petition under Section 13-B of the East Punjab Urban Rent Restriction Act in the year 2006 and said petition was allowed by the Court. Mother of the complainant died and he became owner/landlord of the property. M/s Carona Ltd. has filed the appeal before this Court and this Court vide order dated 18.12.2014, passed conditional stay order subject to deposit of all the arrears of rent till 31.01.2015 totalling to ₹17,62,548/- and to deposit rent of subsequent months but it failed to comply with the order and accordingly, an application was filed for ejectment and warrant of possession was issued. M/s Carona Ltd. filed objection petition through Vishal Chawla, who claims himself to be retail coordinator of M/s Carona Ltd. and said objection petition was dismissed. M/s Carona Ltd. preferred appeal, which was also dismissed. The complainant filed contempt petition and thereafter, M/s Carona Ltd. i.e. original tenant of the complainant, withdrew the appeal. It is also in the FIR that Shashi Sharma, Vishal Chawla and other co-accused were raising construction and when the attorney of the complainant tried to stop them, they manhandled him and matter was reported to the police. It is further stated in the FIR that warrant of possession was issued along with police help. Now, present petitioner Vijay Kumar has filed false and frivolous suit for permanent injunction in collusion with other accused by forging rent agreement and rent receipts knowing fully well that the documents produced in the Court are forged and fabricated.

Keeping in view the facts and circumstances of the present case and in view of the fact that every attempt was made to obstruct the execution of the order passed by the Court for ejectment etc., and also in

petitioner, I find that petitioner is required for custodial interrogation and no ground is made out for granting benefit of anticipatory bail to him.

Therefore, finding no merit in the present petition, the same is dismissed.

March 19, 2019
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No