

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-16425-2019

DATE OF DECISION:-10.04.2019

SURINDER SINGH @ CHHINDER

...PETITIONER...

V.

STATE OF PUNJAB

...RESPONDENT...

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: Mr. L.M. Gulati, Advocate
for the petitioner.

RAMENDRA JAIN, J. (ORAL)

Prayer in the instant petition under Section 438 Cr.P.C. has been made for grant of anticipatory bail to the petitioner, in case, FIR No.92, dated 21.03.2019, under Sections 457 and 380 IPC, Police Station Phillaur, District Jalandhar.

According to the prosecution, petitioner, being tenant of the complainant is neither, paying rent, electricity bill nor vacating the house of the complainant. On 15.03.2019, petitioner abused the complainant and misappropriated the household articles and kept them at some unknown place.

Learned counsel contends that the dispute amongst the party is of civil nature and the complainant has already filed eviction petition. The petitioner cannot be evicted illegally by his landlord under the garb of the impugned FIR with the help of the police.

Offence under Section 457 IPC is not made out, because, petitioner is already in possession. There is no question of misappropriation of articles of the complainant, as the petitioner is already in possession of the demised premises.

Having given thoughtful consideration to the submissions made by learned counsel for the petitioner, this Court finds instant petition completely devoid of any merit for the reason that recovery of misappropriated articles belonging to the complainant, is yet to be effected from the petitioner. That apart, a person, who himself has done some illegal act and is continuing with the same, therefore, such type of person does not deserve any concession of anticipatory bail.

Dismissed.

10.04.2019

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(RAMENDRA JAIN)
JUDGE

whether speaking/reasoned:
whether reportable:

Yes/No
Yes/No