

In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. M-13992 of 2020 (O&M)

Date of Decision: 19.06.2020

Sunil and Another

... Petitioner(s)

Versus

State of Haryana

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal

Present: Mr. Kamal Chaudhary, Advocate
for Mr. Sanjiv Gupta, Advocate
for the petitioner(s).

Mr. Deepak Sabharwal, Additional Advocate
General, Haryana for the respondent.

Mr. Amol Rattan Sidhu, Senior Advocate
with Mr. Raghav Gulati, Advocate
for the complainant/first informant.

Anil Kshetarpal, J.

The petitioners have filed the present petition under Section 438 Cr.P.C. for grant of pre-arrest bail in FIR No. 148 dated 19.03.2020, registered under Sections 454, 380 & 34 IPC at Police Station, Sector 10-A, Gurugram.

In a nutshell, the case of the prosecution is that the first informant Neelam Singh, LL.B, M.Phil, M.A., Senior Solicitor, Media Consultant & Producer has lodged the FIR with allegations that the petitioners herein along with certain others trespassed into her house, plundered household articles, committed theft/dacoity when she was not at

home. Along with the FIR, a list of various articles allegedly stolen was

also given.

On 11.06.2020, the petitioners were directed to join investigation while granting them interim protection.

Learned State counsel informed the Court that the petitioners have joined investigation, co-operated and got recovered the stolen articles. He further informed the Court that the first informant has failed to produce evidence with regard to ownership of remaining articles. It is significant to mention here that the first informant had also registered another FIR against the petitioners and others on 18.03.2020 under Sections 147, 149, 323, 34, 446, 448 and 506 IPC.

It is not in dispute that the property is owned by Sh. Santosh and his brother Dharamvir. Petitioner No.2-Sandeep is son of Sh. Santosh, whereas petitioner No.1-Sunil is son of the sister of mother of Sandeep. The first informant is a tenant in the aforesaid premises. It is the petitioners who had inducted the first informant as tenant in the premises.

This Court has heard learned counsel for the petitioners as well as the State counsel duly assisted by learned senior counsel appearing for the first informant.

Learned counsel for the petitioners, while drawing attention of the Court to various news items, copies of the FIR and the complaints, has submitted that the first informant is in the habit of involving her landlords into one litigation or the other. He further submitted that the first informant, after having occupied the premises, is not paying the rent. He further submitted that the first informant is trying to involve the petitioners and their family members in false criminal cases.

On the other hand, learned senior counsel appearing for the first informant submitted that very precious items of the first informant are still to be recovered. He further submitted that at this stage, it is not possible to produce the copies of the invoices so as to prove the ownership and the existence of the aforesaid articles. He further submitted that the petitioners do not deserve the concession of pre-arrest bail.

This Court has considered the submissions of learned counsel for the parties and has gone through the paper-book.

It is apparent from the photographs attached by the first informant along with the reply that most of the articles alleged to have been stolen were either lying in the house in question or in open area outside the house. Still further, relationship of landlord and tenant between the family of the petitioners and the first informant is not disputed. The petitioners herein as already noticed, have joined the investigation and co-operated.

Keeping in view the aforesaid facts and without commenting on merits of the case, it is considered appropriate to confirm the interim protection granted to the petitioners vide order dated 11.06.2020. Consequently, the present petition is allowed.

(Anil Kshetarpal)
Judge

June 19, 2020
“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No