

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-43955-2019 (O&M)
Date of Decision:-27.1.2020

Gurnam Singh and others ... Petitioners

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Suvir Sidhu, Advocate and
Mr. Harlove Singh Rajput, Advocate for the petitioners.

Mr. Saurav Khurana, Deputy Advocate General, Punjab.

GURVINDER SINGH GILL, J.(Oral)

1. The petitioners have approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.0256 dated 21.9.2019 at Police Station Dera Bassi, District SAS Nagar under Sections 420, 406, 451, 380, 506 and 120-B of Indian Penal Code.
2. At this stage, Mr. Satish Bhardwaj, Advocate has put in appearance on behalf of the complainant and has filed power of attorney, which is taken on record.
3. Affidavit of Sh. Satinder Singh, Sub Inspector/Station House Officer, Police Station Derabassi, District SAS Nagar has been filed by learned State counsel today in Court, which is taken on record.

4. The FIR in question was lodged at the instance of Manish Chugh, wherein it has been alleged that he is into business of Promoting Food Joints & Restaurants. In the year 2014, the accused, who are owners of land situated in Derabassi, Punjab approached the complainant while representing that they are having land at Ambala-Chandigarh Highway and that in case the complainant invested some amount in their land, the same would be profitable. Accordingly, the complainant invested an amount of ₹2.5 crores in the said property and took the same on lease and a formal lease deed i.e. Annexure P-2 was executed between the petitioners and father of complainant namely Sh. Manvinder Singh Chugh. The complainant alleged that in the year 2016 he was forcibly thrown out of the said property by the petitioners although the lease deed had been executed for a period of 9 years.
5. The learned counsel for the petitioners has submitted that the present case is a case where the complainant has not been paying the lease money after the year 2016 and had infact sublet the premises in question as is provided in Clause-6 of the lease deed (Annexure P-2). It has further been submitted that the petitioners had never thrown out the complainant out of the property in question and infact the present FIR has been got lodged in order to pressurize the petitioners to give up their legitimate claim in respect of the lease money.
6. Opposing the petition, the learned State counsel assisted by the learned counsel for the complainant, has submitted that during the course of investigation, a site visit had been conducted by Station House Officer, Police Station Derabassi, Punjab, who has reported that the petitioner Gurnam Singh was found in the company of Rajiv Gupta and that it was found that a display board of "Crown Resorts" had been put up at the premises and the Gaming Zone and Adventure Sports, which had been

created in the premises by Sh. Manvinder Singh Chugh had all been destroyed and no such articles were found there. It has further been reported therein that that Rajiv Gupta stated that he was running Crown Resorts alongwith Gurnam Singh and others and that they were in possession of the said premises and were managing for the same.

7. The learned State counsel has thus submitted that it is apparent that the owners of property i.e. the petitioners had forcibly dispossessed the lessee and had started a business on their own alongwith Rajiv Gupta in the name and style of 'M/s Crown Resorts' in which the petitioner Gurnam Singh was a partner, and as such no case for grant of bail is made out. It has, however, been informed by learned State counsel that pursuant to interim directions, the petitioners have already joined investigation.
8. In reply to aforesaid submission on behalf of State, the learned counsel for the petitioners has submitted that there is no evidence on record to show that the petitioners are having any kind of partnership with Rajiv Gupta and that the said report has been maneuvered. It has further been submitted that infact the petitioners had filed a civil suit seeking possession of the premises in question from the lessee namely Sh. Manvinder Singh Chugh i.e. father of the complainant and that the said suit is still pending wherein it has been alleged that defendant Sh. Manvinder Singh Chugh is in the arrears of lease money @ ₹90,000/- per month.
9. I have considered rival submissions addressed before this Court. It would be debatable as to whether the property in question had been let out by Sh. Manvinder Singh Chugh to Rajiv Gupta by way of subletting or as to whether it is the petitioners themselves who are running some business in the

said property in partnership with Rajiv Gupta. In any case, the said controversy is mainly based on documentary evidence.

10. Having regard to the aforesaid facts and circumstances of the case and the fact that the petitioners have already joined investigation, custodial interrogation is not warranted. The petition, as such, is accepted and the interim directions issued by this Court vide order dated 17.10.2019 are hereby made absolute subject to the condition that the petitioners shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

27.1.2020

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No