

Sr.No.202

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

**CRM-M-50563-2019
Date of decision:10.01.2020**

Kawaljit

... Petitioner(s)

versus

State of Haryana and another

... Respondent (s)

Coram: Hon'ble Mr. Justice Jasgurpreet Singh Puri

Present: Mr. Arpandeeep Narula, Advocate
for the petitioner.

Ms. Harpreet Kaur AAG, Haryana.

Mr. Suneet Kumar, Advocate
for respondents No.2 and 3.

Jasgurpreet Singh Puri, J.(Oral)

This is a petition filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.436 dated 10.10.2019 under Section 406, registered at Police Station Sector 5, Panchkula, District Panchkula.

Learned counsel for the petitioner has submitted that this is a case where he had taken house on rent from one Gian Parkash, who is the complainant in the present FIR which was lodged against him on the ground that he is not paying the rent properly and he also has apprehension that furniture in his house has been removed.

Learned counsel for the petitioner has also argued that in pursuance to the direction issued by this Court dated 28.11.2019, he has already joined the investigation and is fully co-operating with the investigation process.

On the other hand, learned State counsel has submitted that in pursuance to the directions issued by this Court on 10.12.2019, Status Report by way of an affidavit of Noopur Bishnoi, HPS on behalf of State of Haryana has been filed today in Court.

In the Status Report, it has been mentioned that inspection was done on 06.01.2020 by the Investigating Officer in the presence of the Assistant Commissioner of Police and during investigation furniture and fixtures mentioned in the agreement at 23.10.2017 were found to be present at the given address and the petitioner has already joined investigation on 09.12.2019.

This Court had impleaded the complainant as party so as to assist the Court. During the pendency of the petition, the said complainant, namely, Gian Parkash has passed away and his legal heirs are now being represented through counsel in this Court.

Learned counsel for respondents No.2 and 3 submits that although report has been filed by the Assistant Commissioner of Police, Panchkula but the petitioner is not entitled to the concession of anticipatory bail in view of the fact that he is still in possession of the house and there is further apprehension of theft.

After hearing learned counsel for the parties and after perusing the status report filed by the Assistant Commissioner of Police, Panchkula, it transpires that furniture and fixtures are still intact in the house and they have not been removed by the petitioner and that the petitioner has already joined the investigation.

Apart from this, it has also been stated by both the learned counsel for the petitioner and respondents No.2 and 3 that even eviction

proceedings are pending before the Competent Court of Law and Eviction Order has already been passed by the Rent Controller against which appeal is also pending.

As per the Status Report filed by the Assistant Commissioner of Police, Panchkula the petitioner has already joined the investigation.

In view of totality of the circumstances, present petition is allowed. Order dated 28.11.2019 is hereby made absolute.

10th January, 2020

Shivani Kaushik

**[JASGURPREET SINGH PURI]
JUDGE**

Whether speaking/reasoned *Yes/No*

Whether Reportable *Yes/No*