

CRM-M-35035-2021

Date of Decision: 1.9.2021

Rakesh Kumar Dube

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. R.K.Girdhar, Advocate, for the petitioner.

Mr. M.S. Nagra, Assistant Advocate General, Punjab.

Rajesh Bhardwaj, J. (ORAL)

Matter has been taken up through video conferencing via Webex facility in the light of the Pandemic Covid-19 situation and as per instructions.

Present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR No.59 dated 17.6.2021 under Sections 354-A, 454, 380, 201 IPC and Section 3(2)(va) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 registered at Police Station Bariwala, District Sri Muktsar Sahib.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case as the main dispute between the complainant and the petitioner is of landlord and tenant. He contends that complainant Gurjeet Kaur is the tenant in the house of the petitioner and when the petitioner wanted the complainant to vacate the house, then in order to restrain the petitioner from getting the house vacated, the present FIR has been got registered. The allegations in the FIR, as have been pointed out, pertain to the entry of the petitioner in the house of the complainant, wherein the same are alleged to be recorded in CCTV camera. Besides this the allegation of theft of golden ornaments is also alleged.

Learned counsel for the petitioner has drawn the attention of this Court to the civil dispute initiated at the behest of the complainant, wherein the complainant has filed a suit for permanent injunction restraining the defendant, who is none other than the wife of the petitioner. In nut shell, the contention of learned counsel for the petitioner is that the present FIR has been lodged only in order to retain the possession of house of the petitioner.

Learned State counsel has though opposed the contentions of learned counsel for the petitioner, however, he has submitted that the investigation in the case is already complete and the challan has already been presented.

I have have heard learned counsel for the parties and perused the record.

In over all facts and circumstances, I am of the opinion that the petitioner is behind bars since 2.7.2021 and investigation is already complete. There is no gain saying that the complainant is tenant in the house, owned by the petitioner. In the totality of the facts and circumstances of the case, I find that the petitioner has made out a case for grant for regular bail. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

(RAJESH BHARDWAJ)
JUDGE

1.9.2021
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Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No