

CRM-M-34408-2021 (O&M)

Through Video conference
217

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

CRM-M-34408-2021 (O&M).
Decided on: November 24, 2021.

Bharat Chadha

.. Petitioner

VERSUS

State of Punjab

.. Respondent

*** * ***

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

*** * ***

**PRESENT Ms.Rishma Verma, Advocate,
for the petitioner.**

Mr.Randhir Singh Thind, DAG, Punjab.

**Mr.Prateek Pandit, Advocate,
for the complainant.**

JASGURPREET SINGH PURI, J. (ORAL)

The present petition has been filed under Section 438 of the Code of Criminal Procedure, for the grant of anticipatory bail in FIR No.147 dated 6.8.2021, registered under Sections 448, 457, 380,149, 511 and 120-B IPC, registered at Police Station Division No.6, District Jalandhar.

CRM-M-34408-2021 (O&M)

As per the FIR lodged on the basis of statement of Arun Walia son of Nauhri Lal, resident of House No.517-L, Model Town, Jalandhar, he is president of Sanatan Dharam Sabha Geeta Mandir, Model Town, Jalandhar. Under this organization, there is a charitable hospital and R.K.Memorial for the children of 10+2 for studies and also a shop. The organization had given shop on rent to one Bharat Chadha owner of Bhagwati Pooja Bhandar who has been a tenant of their organization for about 8 years and to whom the shop measuring 8 X 16 was given on rent @ Rs.5000/- per month. The adjacent room was locked everyday after school was closed and after inquiry by him, it was found that 12 double benches, a chair, a lecture stand, a white board kept in adjoining room of Bharat Chadha's (petitioner) shop were stolen by the petitioner along with one Ashish Mittal in connivance with each other by breaking open the wall of the said room.

Learned counsel for the petitioner has submitted that basic dispute was between tenant and landlord and the allegation against the petitioner is that he had broken the wall of the adjoining room and committed theft. Learned counsel for the petitioner submitted that it is a civil dispute and even a civil suit regarding the same subject matter is pending before the learned Civil Court and the allegation against the petitioner is totally false.

This Court while issuing notice of motion on 29.8.2021 had granted interim bail to the petitioner.

Today, learned State counsel, on instructions from ASI

CRM-M-34408-2021 (O&M)

Ragbir Singh, has stated that in pursuance of the order passed by this Court on 23.8.2021, the petitioner has joined investigation. However, some of the items which have been mentioned in the FIR including the desks are yet to be recovered.

Replying to the submissions made by the learned State counsel, it has been argued by the learned counsel for the petitioner that subject matter of the dispute is civil in nature and the argument raised by the learned State counsel that recovery is yet to be made cannot become a ground for denial of anticipatory bail to the petitioner.

I have heard the learned counsel for the parties.

In pursuance of the order passed by this Court on 23.8.2021, the petitioner has joined investigation. The dispute pertains to tenant – landlord wherein the allegation is that the petitioner had broken the wall and had stolen some desks etc. So far as the recovery of desks etc. is concerned, the same is already subject matter of civil dispute and therefore, cannot become a ground for denial of anticipatory bail to the petitioner. Consequently, the present petition is allowed and interim order dated 23.8.2021, is hereby made absolute.

November 24, 2021.
raj arora

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking / reasoned
Whether reportable

Yes / No
Yes / No