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

Date of decision: 22.11.2021

1. CRM-M No.46602 of 2021 (O&M)

Harnek Singh

....Petitioner

Versus

State of Punjab and another

....Respondents

2. CRM-M No.47090 of 2021 (O&M)

Kuldeep Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. D.S. Pheruman, Advocate
with Mr. Tarun Deep Kumar, Advocate
for the petitioners.

Mr. Joginder Pal Ratra, DAG, Punjab.

Mr. Shivam Grover, Advocate
for the complainant.

ARVIND SINGH SANGWAN J.

Prayer in these petitions is for grant of anticipatory bail to the petitioners namely Harnek Singh and Kuldeep Singh in FIR No.207 dated 26.09.2021 registered under Sections 457, 380, 427, 34 IPC at Police Station Division A, District Amritsar.

Counsel for the petitioners has argued that as per the allegations in the FIR, registered at the instance of Naresh Kumari wife Vijay Kumar, it is stated that on an earlier occasion, FIR No.178 dated 21.08.2020 was registered against the accused Jagjit Singh and others

regarding committing theft in the shop of the complainant in order to take forcible possession. It is further stated in the FIR that on 26.09.2021 in the morning, some armed persons carrying pistols, *kirpan*, iron rod, broke open the lock of her shop and by taking all the articles have committed the theft. The incident was witnessed by Surinder Kumar and Prince Sharma. It was also stated that the accused have also taken away locker, which was lying at the counter along with all the hosiery articles, which were there in the shop. The accused came in 02 vehicles bearing registration Nos.PB05-R-6143 and PB05-B-1643. It is also stated that the locker was having Rs.40,000/- and there was valuable articles and hosiery items in the shop. It is further stated that both the petitioners namely Kuldeep Singh, Harnek Singh along with Jagjit Singh and 05 other unidentified persons have committed the theft at the spot. The police, thereafter, conducted an enquiry and registered the present FIR.

Counsel for the petitioners has argued that the petitioners have been falsely implicated in the case as the shop was vacated by the husband of the complainant Vijay Kumar in the year 2017, however, the complainant being the widow of Vijay Kumar, is still claiming the possession over the shop.

Counsel for the petitioners has further submitted that in fact, the original owner Darshan Singh has given power of attorney to Jagjit Singh and the complainant has no possession over the shop in dispute.

Counsel for the State assisted by counsel for the complainant has, however, opposed the prayer for bail on the ground

that the complainant is a widow lady, who is earning her livelihood by running hosiery goods shop and the petitioners are taking the law in their own hands as even on an earlier occasion, FIR No.178 in the year 2020 was registered at Police Station A Division, Amritsar, against the accused Jagjit Singh and others including the petitioners Harnek Singh and Kuldeep Singh. Again, the petitioners and others have broke open the lock of the shop of the complainant and committed theft of all the articles lying in the shop as well as the locker containing money. It is also stated that the petitioners came in 02 vehicles, which were noticed by the eye-witnesses and custodial interrogation of the petitioners is necessary, who are illegally using their power to oust a widow lady from the shop in dispute and in that process, they have even committed of the articles, which are yet to be recovered and therefore, the custodial interrogation is required.

After hearing the counsel for the parties, considering the serious allegations against the petitioners in the FIR and the photographs, which reflects that the shutter of shop was completely broken to enter the shop and also in view of the fact that the petitioners have repeated the similar offence in order to take forcible possession of the shop without there being any order of competent Court of law.

Dismissed.

A photocopy of this order be placed on the file of other connected case.

22.11.2021

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Whether speaking/reasoned:

Whether reportable:

(ARVIND SINGH SANGWAN)

JUDGE

Yes/No

Yes/No