

CRM-M No.4322 of 2022 (O&M)

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

**CRM-M No.4322 of 2022 (O&M)
Date of decision: 10.02.2022**

Jagjeet Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Veneet Sharma, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

Mr. Shivam Grover, Advocate
for the complainant.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for grant of anticipatory bail to the petitioner in FIR No.207 dated 26.09.2021, registered under Sections 457, 380, 427, 34 IPC, at Police Station A-Division, Amritsar City, District Amritsar.

At the very outset, it is noticed that the anticipatory bail of 02 of the co-accused namely Harnek Singh and Kuldeep Singh, stands dismissed by this Court vide order dated 22.11.2021 passed in CRM-M Nos.46602 and 47090 of 2021. The operative part of the said order, reads as under:-

“Counsel for the petitioner 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.”

For the sake of brevity, the facts are not reproduced again.

Counsel for the petitioner has argued that the complainant has named the petitioner – Jagjeet Singh, Harnek Singh and Kuldeep Singh as the primary accused in the FIR. It is further submitted that it is a dispute between the landlord and tenant, with regard to the possession over the shop for which some GPA has been registered and the husband

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of the complainant has parted away with the possession of the shop and the FIR has been registered with the false allegations.

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

Counsel for the complainant has further submitted that the complainant is an NRI woman and the petitioner along with other accused persons is using his muscle power to take possession of the shop in dispute. It is also stated that the complainant is paying the electricity and property taxes as per the receipts attached with the synopsis submitted by the complainant.

Counsel for the complainant has also relied upon certain photographs to show that how the damage was caused by the petitioner and other accused persons.

After hearing the counsel for the parties, considering the fact that the petitioner is repeatedly involved in successive FIR and is trying to take forcible possession of the shop from the complainant, who is a lady, I find no ground to grant the concession of anticipatory bail to the petitioner.

Dismissed.

(ARVIND SINGH SANGWAN)
JUDGE

10.02.2022
yakub

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No