

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-17623-2022 (O&M)

Date of Decision:- 01.9.2022

Subhash Kumar

.... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. A.D.S.Sukhija, Advocate, for the petitioner.

Mr. Siddharth Attri, AAG, Punjab
assisted by ASI Hardev Singh.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered against him vide FIR No.50 dated 08.4.2022, Police Station city Jagraon District Ludhiana Rural, under Sections 380, 447, 511 IPC.
2. The FIR was lodged at the instance of Bahadur Singh wherein it is alleged that his *kudum* Ranjit Singh (father-in-law of complainant's son) was owner of a shop situated on Link Road, Jagraon, who had expired. He has alleged that complainant's belongings/articles are lying in the shop. However, later on he came to know that one person

by the name of Minku had stolen all these articles from the shop in question and had put a lock on the same with an intention to take possession on the shop. When the complainant visited the shop and confronted the said person, the said person told the complainant that he had purchased the shop from one lady though he could not produce any document in respect of the same. It is further alleged that said person rather threatened the complainant and dared him to do anything whatever that he wanted.

3. Learned counsel for the petitioner has submitted that the matter in hand is in fact civil in nature which is being sought to be given a criminal colour by the complainant. It has been submitted that in fact the original owner Ranjit Singh had sold the property to Iqbal Kaur as would be evident from the agreement dated 16.12.2016 (Annexure P-3) and said Iqbal Kaur further entered into an agreement for sale of the said property with the petitioner as would be evident from agreement dated 15.2.2022 (Annexure P-2). Learned counsel has further submitted that the complainant in fact is trying to usurp the property left by one of his relatives and that the complainant himself does not have any right to the same whereas there is documentary evidence in favour of the petitioner to substantiate his right on the aforesaid property.
4. Opposing the petition, learned State counsel has submitted that the property in fact vests with the Municipal Committee which had leased out the same to Ranjit Singh and that neither Ranjit Singh had any right to sell the property to Iqbal Kaur and nor Iqbal Kaur had

any right to sell of the same to the petitioner. Learned State counsel has however, informed that pursuant to interim directions the petitioner has since joined investigation and that he is not required for any custodial interrogation and is not even stated to be wanted in any other case.

5. I have considered rival submissions addressed before this Court.
6. Having regard to the facts and circumstances of the case and the nature of allegations and also that the petitioner has already joined investigation and is not stated to be required for custodial interrogation and otherwise has a clean record. The petition, as such, is accepted and the interim directions issued by this Court vide order dated 28.4.2022 are hereby made absolute subject to the condition that the petitioner shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

01.9.2022

Mohan

(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No