

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

CRM-M-18481-2022
Date of decision: 09.05.2022

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. A. A. Pathak, Addl. A.G., Punjab.

Mr. Shivam Grover, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 207 dated 26.09.2021, registered under Sections 457, 380, 427, 34 of the IPC at Police Station A-Division, Amritsar City, District Amritsar.

Learned counsel for the petitioner submits that the FIR was registered on a complaint given by one Naresh Kumari, who is a tenant in the shop, owned by the petitioner, with the allegations that on an earlier occasion, an FIR No. 178 dated 21.08.2021, under Sections 448, 380, 147 and 149 of the IPC was registered at Police Station A-Division, Amritsar City, wherein it was stated that the petitioner has tried to forcibly take possession of the shop No. 94-A, Rambagh.

Learned counsel further submits that it is the further allegation in the FIR that on 26.09.2021, at about 05:00 A.M., some persons armed with weapons broke the lock of the shop and committed theft of the articles and thereafter, they ran away in their vehicle and the petitioner along with Harnek Singh and Kuldeep Singh was nominated as an accused.

Learned counsel further submits that though the petitioner was granted the concession of interim anticipatory bail, however, later on, he surrendered before the Court and in aforesaid FIR No. 178, he has already been granted the concession of regular bail on 25.04.2022 by the Additional Sessions Judge, Amritsar.

Learned counsel further submits that even in this case, the custodial investigation of the petitioner is no more required as primarily this is a dispute between the landlord and tenant and the petitioner is the landlord of the shop, where the complainant is the tenant and on that account, she has falsely implicated him in this case.

Learned State counsel, assisted by learned counsel for the complainant, has submitted that in fact the petitioner is claiming ownership of the shop in dispute on the basis of a general power of attorney dated 18.08.2021 and the *challan* is yet to be presented.

Be whatsoever, considering the aforesaid submissions of learned counsel for the parties and also in view of the fact that the petitioner has already been granted the concession of regular bail in aforesaid FIR No. 178 and there is a GPA in his favour with regard to said shop, the present petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaqa Magistrate, concerned.

Any observation made herein is only for the purpose of deciding the present bail application and the same shall have no bearing on the merits of the case.

09.05.2022

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No