

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

109

**CRM-M-24757-2022  
Date of decision: 01.06.2022**

**RAHUL**

**.....Petitioner**

**VERSUS**

**STATE OF HARYANA**

**....Respondent**

**CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ**

Present: Ms. Suman Sagar, Advocate  
for the petitioner.

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**VINOD S. BHARDWAJ. J.(Oral)**

The petitioner has filed the present petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail in case bearing FIR No. 260 dated 16.03.2022 registered under Sections 427, 447 and 506 of the IPC at Police Station HTM, Hisar, Haryana.

2. A perusal of the FIR that has been registered on the statement of Jagan Nath Chhabra and Manish Chhabra shows that they were tenants in the four shops and that the petitioner demolished the said shops in an illegal and unauthorized manner by using the JCB machine. The complainant submits that they are Senior Citizens and their property has been damaged deliberately by the petitioner in order to get unlawful possession of the said property. Consequently, the FIR in question was registered against the petitioner.

3. Learned counsel appearing on behalf of the petitioner contends that the property is owned by the petitioner as well as his mother and that the shops were unsafe for habitation. It is contended that father of the complainants was given the shop on rent by the grand father of the petitioner and that the father of complainant used to run a charitable dispensary. However, the complainants were not using the said shop for the last many years and that the same has been demolished by the complainants themselves. It is further contended that the petitioner had filed a civil suit before the lower court 2-3 days prior to the incident in question and that filing of the instant complaint is an outcome of the institution of the civil proceedings.

4. I have heard learned counsel appearing on behalf of the petitioner and have gone through the record of the case.

5. It is undisputed by the petitioner that the property in question had been leased out in favour of the father of the complainants and that actual physical possession of the said constructed shops was with the father of the petitioner and upon his demise with the petitioner's family. Despite a pointed query raised to the counsel for the petitioner nothing was indicated as to how and under what circumstances possession of the premises was taken by the petitioner. It is also reflected from a perusal of the paper book that the CCTV footage of the incident in question has been duly collected by the Investigating Agency which reflects that the shops in question had been demolished with the use of JCB machine.

6. The institution of civil suit by the petitioner seems to be deployed by the petitioner for taking a shield for his acts that were contemplated by him. Further more, merely because the petitioner is the

owner of the premises in question does not entitle him to take possession of the property forcibly by demolishing the structure that was existing thereupon and which was in possession of the respondent-complainant. The manner in which the activity has been undertaken by the petitioner clearly shows that he has scant regard of law and believes in might is right.

7. A further option was offered to the petitioner as to whether he is willing to reconstruct the shop upon which counsel for the petitioner sought time to seek instructions and has come forth with a response that the petitioner is not inclined to raise the construction. It is thus evident that the acts committed by the petitioner were not only malicious, however, they also lack in bona fide.

8. I find no merit in the instant petition, the same is accordingly dismissed.

**JUNE 01, 2022**  
*Vishal Sharma*

**(VINOD S. BHARDWAJ)**  
**JUDGE**

|                            |        |
|----------------------------|--------|
| Whether speaking/reasoned: | Yes/No |
| Whether Reportable :       | Yes/No |