

CRM-M-35452-2022

Date of Decision: 10.08.2022

Jatin Sarangil and another

.....Petitioners

Vs.

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Harsimranpreet Singh, Advocate,
for the petitioners.

AMOL RATTAN SINGH, J. (ORAL)

By this petition, the petitioners seek the concession of 'pre-arrest bail' upon FIR No. 164, having been registered at Police Station City, District Gurdaspur, on 11.07.2022, alleging therein the commission of offences punishable under the provisions of Sections 380/427/323/325/406/452 of the IPC.

Learned counsel for the petitioners submits that the FIR is entirely a cooked up complaint by the complainant who is a tenant in the shop owned by their mother; and with the application filed under Order 39 Rule 1 and 2 CPC by the complainant, in the civil suit instituted by him, injunction having been declined by the civil court, possession of the shop was in fact handed over to the petitioners and their mother and therefore there would be no reason for them to enter the shop to break things and to cause any injury to the complainant.

Notice of motion.

On the asking of the court, Mr. Rana Harjasdeep Singh, D.A.G., Punjab, accepts notice on behalf of the respondent-State, with Mr. Dheeraj

Mahajan, Advocate, appearing and accepting notice on behalf of the complainant.

They both submit that with a petition seeking eviction of the complainant also pending, if the complainant had already handed over possession, there would be no reason for him to thereafter falsely implicate the petitioners in the occurrence, which is also the reasoning seem to be taken by the learned Additional Sessions Judge while dismissing a similar petition filed by that court.

Looking at the allegations against the petitioners as regards having entered the shop rented out by them/their mother to the tenant, and they having created mayhem by breaking things including CCTV cameras and with an injury also inflicted upon the complainant (all as per the allegations made with no observations made on the merits thereof by this court), I see no ground to entertain this petition seeking anticipatory bail, which is consequently, dismissed.

However, in the case of arrest of the petitioners, upon them filing any petition under the provisions of Section 439 of the Cr.P.C., that naturally would be considered on its own merits.

August 10, 2022
nitin

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
No.