

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

209

CRM-M-42909-2021

Date of Decision: 08.03.2022

Nitesh Punia

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Sukesh K. Jindal, Advocate, for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana
assisted by ASI Sandeep Kumar.

(proceedings conducted through video conferencing)

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.557 dated 22.9.2021 at Police Station Kundli, District Sonipat under Sections 379 and 406 of Indian Penal Code.
2. At the time of issuance of notice of motion on 11.10.2021, the following order was passed:

“The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.557 dated 22.9.2021 at Police Station Kundli, District Sonipat under Sections 379 and 406 of Indian Penal Code.

The FIR in question was lodged on the basis of an application submitted by Vikas Droliya and Dr. Sanjay Droliya, the contents of which read as follows:

“It is stated that we, Vikas Droliya and Dr. Sanjay Droliya, are residents of Vikas Nagar, Gali No.3, Kakroi Road, Sonipat. We have a flat bearing No.U21002 in TDI Kundli. We had given the

said flat on rent about 1-1 ½ year back to a relative of the dealer Nitesh, resident of House No.461/4, Amar Bhawan Chowk, Near Jain Mohalla, Panipat, through him (Nitesh). We never had any contact with his relatives and Nitesh used to collect rent and give the same to us. About 8 months back, Nitesh gave back the key of the flat at our house in our absence. When we contacted him, he told us that he shall soon give the remaining rent and the fridge which was lying in the flat. When we went to the flat, we say that all the doors and windows of the flat were lying broken. The electricity bill of Rs.1 lakh was found pending. When we went to his office, it was told by someone that he seldom comes there. Nitesh is not picking our phone. We want legal action against Nitesh for stolen goods, rent and pending electricity bill. Nitesh (9873076000).

Learned counsel for the petitioner has submitted that the petitioner is not a tenant in the premises in question and is a property dealer, who had facilitated the letting out of premises of the complainants and that, in these circumstances, he cannot be held responsible in any manner in respect of any damage caused to the premises. It has further been submitted that the keys of premises even as per the FIR had been handed over to the complainants about 8 months back. It has further been submitted that the matter at best is in the nature of a dispute regarding dues of rent, which would have trappings of a dispute of civil nature.

Notice of motion for 8.3.2022.

Meanwhile, in the event of arrest, the petitioner be released on interim bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join investigation as and when called upon to do so and cooperate with the Arresting/Investigating Officer and shall abide by the conditions as provided under Section 438(2) Cr.P.C.”

3. Learned State counsel upon instructions has informed that pursuant to interim directions issued by this Court, the petitioner has since joined

investigation and is not required for any custodial interrogation and that he is not wanted in any other case.

4. Having regard to the aforestated position, wherein the petitioner is stated to have joined investigation and is not required for any custodial interrogation and has a clean record, the petition is accepted and the interim directions issued by this Court vide order dated 11.10.2021 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.

08.03.2022

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(GURVINDER SINGH GILL)
JUDGE

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