

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-54357-2022

Date of Decision:-23.12.2022

Bachitter Singh & Ors.

.....Petitioner.

Versus

State of Punjab.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. H.S. Bhogal, Advocate for the Petitioners.

Ms. Ramta Chowdhary, DAG Punjab.

JASJIT SINGH BEDI, J.(ORAL)

The prayer in the petition under Section 438 Cr.PC is for grant of regular bail to the petitioner in case FIR No.395 dated 03.10.2022 under Sections 380, 448, 506, 120-B IPC registered at Police Station Division No.7, District Ludhiana.

The brief facts of the case are that the complainant Pushpa Rani made a statement to the police alleging that she was of the age of 88 years and a resident of the house in question. Her husband had expired in January 2019 and she had one house measuring 150 square yards bearing House No.1983, Plot No.1951, Gali No.1, Tajpur Road, Ludhiana. In the year 1994 she had given this house on rent to one Joginder Singh who initially paid the rent to her but thereafter stopped paying the same. However, the petitioner no.3-Paramjit Kaur @ Indira Rani started residing with said Joginder Singh and when she (complainant) asked them to vacate the house then they quarreled and scuffled with her as a result of which she filed a civil suit for eviction of Joginder Singh and petitioner no.3 from her house.

The civil suit was decided in her favour in the year 2012 and in May 2015

the court got delivered the possession of the house to her with the help of the police. After taking possession she locked the same and went to reside at her other house at Gaushala Road. Thereafter, the petitioners-Bachitter Singh and Pavittar Singh along with Joginder Singh broke open the lock of her (complainant's) house and again illegally took possession of the same. She again got the house vacated with the help of the police and also got registered FIR No.96 dated 27.4.2016 under Sections 380, 448, 506 and 149 IPC, P.S. Division No.7, Ludhiana against the petitioners and others. The police arrested the petitioners and other accused. Pursuant to their release on bail, they once again threw away her (complainant's) belongings and took away some of them. Bahadur Singh, Bachitter Singh, Paramjit Kaur @ Indira Rani and Pavitter Singh took the possession of her house and threatened to kill her with their licensed weapon leading to the registration of the FIR.

The Counsel for the petitioner contends that the present case is one of a civil dispute. A case is pending regarding 75 square yards of the land in dispute since the last 10/12 years. In fact the petitioners were in possession of the said house since long and prior to the registration of the FIR were even paying taxes on the said property and the electricity meter was also in the name of the petitioner. The same was borne out from the receipt and electricity bill Annexure P-3. The present case had been registered under the pressure of certain powerful entities.

The Counsel for the State on the other hand while referring to the reply dated 19.12.2022 contends that this is the second case against the accused for having committed similar offences. The co-accused of the petitioner namely Bahadur Singh was arrested on 06.10.2022 and he had got recovered one plastic table and two chairs. He also got recovered his 12 bore rifle along with cartridges with which he used to threaten the complainant. He contends that the recoveries were to be effected and since an old lady had been harassed for the last many years the petitioners were not entitled to the grant of anticipatory bail due to their conduct.

I have heard learned Counsel for the parties at length.

The complainant is of the age of approximately 88 years. A perusal of the FIR would show that repeated attempts are being made by the accused to trespass and forcibly occupying the property in question. The

arrested accused Bahadaur Singh had got recovered some articles along with his firearm which was used to threaten the complainant. The custodial interrogation of the petitioners is certainly required to get recovered the rest of the articles taken away by them. Even otherwise, the grave nature of the allegations and the conduct of the petitioners, qua an old lady of the age of 88 years does not entitle him to the grant of relief of anticipatory bail.

In view of the above, I find no merit in the present petitioner and the same is therefore dismissed.

(JASJIT SINGH BEDI)
JUDGE

December 23, 2022
Vinay

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>