IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-36462-2022
Date of Decision:-**24.05.2023**

RANJIT SINGH

… Petitioner(s)

Versus

STATE OF PUNJAB

... Respondent(s)

-.-

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

-.-

Present:- Ms. Ojaswini Gagneja, Advocate
for the petitioner.

Mr. Hakam Singh, AAG, Punjab.

Mr. Arvinder Pal Singh Grover, Advocate
for the complainant.

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KARAMJIT SINGH, J. (Oral)

1. Prayer is for grant of anticipatory bail in case having FIR No.117 dated 18.6.2022 registered under Sections 457, 380, 120-B IPC at Police Station Kotwali District Patiala.

2. The allegations in nut-shell are that complainant Gurpreet Singh lodged complaint with the police alleging that on 12.6.2022, at about 10:15 p.m. when he had gone for a walk and reached near the shops

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in question, which were taken on rent by him, he saw shutters of both the shops were broken open and some persons were standing outside the said two shops and they were trying to take forcible possession of the said shops at the behest of the accused persons and the petitioner Ranjit Singh also reached there. The account books and furniture which were lying in the shops were found missing.

3. The counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in the present case and the shops in question belonged to trust, which is managed by the Mahant Sunder Singh and the petitioner is his close associate and the complainant is having no concern with the property in question. The shops in question were in dilapidated condition and were having no electric connection and were already abandoned. The counsel for the petitioner further submits that the said property is being managed by the aforesaid trust and complainant has nothing to do with the same, so the question of taking over of forcible possession of the said shops by the accused persons including the petitioner does not arise at all. The counsel for the petitioner further submits that the petitioner has joined investigation with the police.

4. The present petition is contested by the complainant, who submits that the complainant was occupying the shops in question as a tenant but at the time of occurrence, the accused persons including the petitioner forcibly took away the articles belonging to the complainant lying in the said premises, forcibly and the recovery of

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the said articles is to be effected from the accused persons including the petitioner.

5. The State counsel on instructions from ASI Mangat Singh submits that the petitioner has joined investigation with the police and is not required by police for further investigation or for custodial interrogation.

6. It is a matter of evidence as to if any of the alleged acts as detailed in the FIR were committed by the petitioner, who is claiming that the shops in question were managed by Mahant Sunder Singh. Further the petitioner is not required by the police for the purpose of any more investigation. So this Court is of the view that no purpose is going to be served by subjecting the petitioner to custodial interrogation, at this point of time. Consequently without commenting on the merits of the case, the present petition is hereby allowed and order dated 17.1.2023 is hereby made absolute. The petitioner should abide by the conditions envisaged under Section 438(2) Cr.P.C.

(KARAMJIT SINGH)
JUDGE

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Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No

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