

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

104

CRM-M-41912-2023 (O&M)
Date of decision: 11.10.2023

Runna Devi and another

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS SURI

Present: Mr. Dinesh Nagar, Advocate for the petitioner.

Mr. Amish Sharma, AAG, Punjab.

Mr. Mohinder Kumar, Advocate for the complainant.

FIR No.	Dated	Section/s	Police Station
5	31.07.2023	380, 448, 506, 511 and 120-B IPC	NRI, District SBS Nagar

VIKAS SURI, J.

CRM-36896-2023

This is an application for placing on record correctly typed/translated copy of FIR No.0005 dated 31.07.2023 (Annexure P-4) as Annexure P-1, pursuant to the order dated 24.08.2023.

Notice of the application.

Mr. Amish Sharma, AAG, Punjab and Mr. Mohinder Kumar, Advocate for the complainant, accept notice.

For the reasons mentioned in the application supported by affidavit, the same is allowed. Annexure P-1 appended with the application (described as Annexure P-4 in the application) is taken on

record, subject to all just exceptions. Office to tag the same at appropriate place, by substituting Annexure P-1 filed with the petition.

CRM stands disposed of.

CRM-M-41912-2023

[1] The petitioners have filed the present petition under Section 438 Cr.P.C. for grant of anticipatory bail in the above-captioned case.

[2] It has been argued by learned counsel for the petitioners that the petitioners were inducted as tenants in two rooms of the house in July, 2017 and since then, they are continuously paying the rent and depositing electricity bills. The allegations of house trespass and theft are false and baseless. Learned counsel further submitted that basically the dispute is of civil nature and just to harass and humiliate the petitioners, the complainant party has got registered the present FIR against them.

[3] Learned State counsel has filed status report by way of affidavit dated 09.10.2023 in Court today, which is taken on record. Learned State counsel submits that petitioners have illegally occupied the premises in question and committed theft of articles therefrom. The investigation is still in progress. Therefore, petitioners are not entitled to the relief as prayed for.

[4] Learned counsel for the complainant has also opposed the petition.

[5] After hearing the rival contentions and perusing the record, this Court finds no merit in the present petition. The argument raised by learned counsel for the petitioners that petitioners were inducted as

tenants in part of the premises in question and they were regularly paying rent etc., lacks merit, since no material has been placed on record to substantiate the said fact. It has come on record that a compromise was effected between the parties on 10.05.2023 according to which, the petitioners agreed to vacate the house within 10 days but they failed to do so. Petitioner No.1 has also filed a civil suit in May 2023, seeking a decree for not being dispossessed from the suit property i.e. the house in question. Even before the civil Court the petitioner has not been able to establish a *prima facie* case. Admittedly, no ad interim order has been passed in favour of the plaintiff-petitioner in the said case, till date. As per record, the complainant party is NRI and they had given only two rooms to the petitioners, for maintenance of the house in question but instead of maintaining the house, the petitioners not only occupied all the rooms of the house by breaking open the locks and committed theft of articles lying therein. The investigation is still under way and at the preliminary stage. Custodial interrogation of the petitioners is essential to recover the stolen articles.

[6] Keeping in view the act and conduct of the petitioners, this Court is not inclined to grant the benefit of anticipatory bail to them. Accordingly, the present petition is dismissed.

October 11, 2023

sumit.k

(VIKAS SURJ)
JUDGE

Whether speaking/reasoned : Yes / No

Whether Reportable : Yes / No