

2024:PHHC:022985

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

106

CRM-M-8349-2024 (O&M)
Date of Decision: 16.02.2024

DALJINDER KAUR AND ANOTHER

...Petitioners

Versus

STATE OF PUNJAB

...Respondent

CORAM:- HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present:- Mr. Abhinav Jain, Advocate
for the petitioners.

Ms. Himani Arora, AAG, Punjab.

HARPREET KAUR JEEWAN, J. (ORAL)

1. The present petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioners in case FIR No.260 dated 25.07.2023 registered under Sections 354-B, 323, 447, 506, 34 IPC at Police Station City, Faridkot, District Faridkot.
2. Learned counsel for the petitioners contends that petitioner No.1 is in peaceful possession of the house as a tenant and her possession over the suit property is open, hostile and without any interruption. The petitioner No.1 has also filed a civil suit (Annexure P-4) for permanent injunction restraining the complainant-defendant and others from interfering into lawful and peaceful possession over the house in question, which is pending before Additional Civil Judge (Sr. Division), Faridkot. Sukhwinder Singh, Sub Inspector, who is Investigating Officer in the present case, is also one of the defendant in the said civil suit. It is further contended that the present FIR has been registered as a counter blast to the said civil suit. He submits that nothing is to be recovered from

the petitioners and they are ready to join the investigation.

3. Learned State counsel opposes the bail petition on the ground of gravity of allegations levelled against the petitioners.

4. I have considered the aforesaid contentions. The FIR has been registered at the instance of Dilwinder Kaur wife of Gurmel Singh, who has alleged that she is resident of America and has given one room in her house to the petitioner No.1 only for the purpose of looking after the house. On 26.06.2023, when she came to India and visited her house, she found that the petitioners-accused have kept their luggage in the whole house by breaking upon the locks of the other rooms. Complainant asked the petitioners to vacate the house and thereafter, petitioner No.1 requested for one week to clear the luggage. On 24.07.2023, when the complainant again came to her house, she was beaten up and inflicted with injuries with the wooden rod and with heavy lock by the petitioners.

5. The medico legal examination report of the complainant has been received at the time of registration of the FIR. The complainant was hospitalized as per the police proceedings recorded in the FIR (Annexure P-1).

6. Even as per the contentions of the learned counsel for the petitioners and as per the plea taken in the civil suit (Annexure P-4), the petitioners have not alleged any title in the suit property. Petitioner No.1-Daljinder Kaur has only alleged that she has a possession as a tenant and further taken up a contradictory plea that her possession has turned hostile and without any interruption.

7. Learned counsel for the petitioners has candidly admitted that there is no written rent deed in favour of the petitioners.

8. In view of the above circumstances, the allegations against the

petitioners are serious in nature with a view to oust an owner-complainant by taking benefit of her absence from the country and by inflicting injuries upon her.

9. In such circumstances equity is not in favour of the petitioners, as such the discretionary relief of anticipatory bail cannot be allowed in such type of cases.

10. Consequently, the present petition has no merits and is accordingly dismissed.

11. All pending miscellaneous application(s), if any, stands disposed of.

**(HARPREET KAUR JEEWAN)
JUDGE**

16.02.2024
P.Bhatt

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No