

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

104 CRM-M-19637-2024
Date of Decision.:22.04.2024

GopalPetitioner
Vs.
State of HaryanaRespondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Manoj Kumar Sood, Advocate
for the petitioner.

DEEPAK GUPTA, J. (ORAL)

Prayer in this petition is for grant of anticipatory bail under Section 438 Cr.P.C in case FIR No.0055 dated 18.03.2024 registered under Sections 34, 420, 448, 467, 468, 471, 506 of the IPC registered at Police Station Sector-17, Faridabad.

2. FIR was lodged on the complaint of Rameshwar Bansal, the owner of the shop No.144 HUDA Market, Sector 16, Faridabad. As per the complaint, he had rented out his shop to accused Samay Arora and his wife Priyanka vide a rent agreement for a period of 11 months with effect from 01.01.2023. The rent was always transferred in the account of the complainant from unknown accounts and then accused Samay Arora used to send the screenshot. After expiry of the term of the rent deed, the accused started ignoring the request of the complainant so as to vacate the shop. Later accused agreed to vacate the shop on 28.02.2024 vide a writing made on the back of the rent agreement. However, recently complainant came to

CRM-M-19637-2024

know that accused Nos.3 & 4 i.e. petitioner Gopal and one Harish had occupied the shop and had started claiming to have taken the shop from the complainant. They also got a license to work on the shop from Food Safety and Standard Authority of India. On enquiry, complainant came to know that said accused i.e. petitioner and Mahesh had submitted a registered application for issuance of license in the name of Sardar Ji Tandoori Junction and also uploaded electricity bill in the name of the petitioner Gopal as proof of premises. It was alleged by the complainant that he never authorized nor entered into any agreement with petitioner and Mahesh nor gave permission to use the shop. On the complaint made to the FSSAI so as to provide the electricity bill, it was revealed that petitioner had given the forged and fabricated electricity bill.

3. It is contended by learned counsel that petitioner has been falsely implicated; that co-accused Harish has already been allowed the benefit of anticipatory bail vide order dated 04.04.2024 (Annexure P-7) by the Court of learned Additional Sessions Judge, Faridabad; that it is the complainant and his wife who had given the shop to the petitioner on rent by way of a oral agreement; that petitioner had even filed a civil suit for permanent injunction in which the Court granted stay order on 22.02.2024.

4. Notice of motion.

5. Mr. Parveen Kumar Aggarwal, DAG, Haryana accepts notice on behalf of respondent- State.

6. Learned State counsel contends that case of the petitioner is on different footing than that of Harish because it is the petitioner who procured

CRM-M-19637-2024

the forged electricity bill in his name so as to obtain the license. Learned State counsel also submits that custodial interrogation of the petitioner will be necessary to unearth the entire truth.

7. I have considered submissions of both the sides.
8. It is not believable at this stage that petitioner will get the possession of the shop under oral agreement with the complainant as is alleged by him despite the fact that earlier the shop in question was on rent with Samay Arora and his wife Priyanka, as they never delivered possession back to the complainant. Petitioner appears to have taken unauthorized possession of the shop from co-accused Samay & his wife Priyanka, without consent of complainant.
9. Having regard to the aforesaid facts and circumstances, this Court is not inclined to grant the benefit of anticipatory bail to the petitioner as custodial interrogation of the petitioner may be necessary to unearth the entire truth having regard to allegations against him, to have forged and used the forged electricity bill to obtain certificate from FSSAI.

Dismissed.

(DEEPAK GUPTA)
JUDGE

April 22, 2024
Neetika Tuteja

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No