



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

**CRM-M-28962-2024
DECIDED ON: 31.05.2024**

RAHUL SAHNI ALIAS MOHIT **.....PETITIONER**

VERSUS

STATE OF PUNJAB **.....RESPONDENT**

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Ankush Chauhan, Advocate for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

The jurisdiction of this Court has been invoked under Section 438 Cr.P.C., for grant of anticipatory bail to the petitioner in FIR No.158, dated 12.08.2023 (Annexure P-1), under Sections 380, 457 of IPC, 1860, registered at Police Station Division No.8, District Ludhiana.

Learned counsel for the petitioner contends that it is a dispute of civil nature but has been given the colour of criminal liability wherein it revolves around commitment of rent qua two shops which belongs to the father of the petitioner. He further contends that the complainant has taken the said shops on rent for running a liquor vend and paid Rs.1,90,000/- in advance to the father of the petitioner, which was subsequently denied by him on account of the fact that the complainant never had any permission to run the liquor vending shop and as a result of the aforesaid dispute, the instant FIR came to be lodged to use it as an arm-twist mode.

Notice of motion.

On the asking of the Court, Mr. Jaspal Singh Guru, AAG,
Punjab accepts notice on behalf of the respondent-State and seeks dismissal

of the instant petition on the ground that the petitioner is involved in multiple other FIRs, as has been detailed in the present petition itself in para 14, which reads as under:-

“ i) FIR No.156 dated 2.5.2020, U/s 188,269 IPC, P.S. Division No.8, Ludhiana in which petitioner was released on probation.

ii) FIR No.243 dated 28.10.2019, U/s 325,407, 506 IPC, u/s 27 of Arms Act, P.S. Haibowal, Distt. Ludhiana, this FIR has been quashed by this Hon'ble Court on the basis of compromise on 31.5.2023.

iii) FIR No.331 dated 14.9.2020, U/s 336, 506 IPC, U/s 27/54/59 of Arms Act, P.S. Division No.8, Ludhiana. In this FIR compromise has been affected and quashing of FIR has been filed before this Hon'ble Court vide CRM No.20168 of 2024 which is pending for 10.7.2024 for final orders.”

As far as the pendency of other cases and involvement of the petitioner in other cases is concerned, reliance can be placed upon the order of this Court rendered in CRM-M-25914-2022 titled as **“Baljinder Singh alias Rock vs. State of Punjab”** decided on 02.03.2023, wherein, while referring Article 21 of the Constitution of India, this Court has held that no doubt, at the time of granting bail, the criminal antecedents of the petitioner are to be looked into but at the same time it is equally true that the appreciation of evidence during the course of trial has to be looked into with reference to the evidence in that case alone and not with respect to the evidence in the other pending cases. In such eventuality, strict adherence to the rule of denial of bail on account of pendency of other cases/convictions in all probability would land the petitioner in a situation of denial of concession of bail.

As far as the issue primarily involved is qua refund of rent amount for which the father of the petitioner has backed out from continuing his two shops on rent being against the running of liquor vending in his shops by the complainant/tenant is concerned, such issue can be adjudicated by the competent Court exercising the jurisdiction over the said matter and on that account, the petitioner is not required to be sent in custody as he has no direct role whatsoever in the transaction which has been taken place between father of the petitioner and the complainant.

In the light of above, nothing is to be recovered from the possession of the petitioner as has been fairly submitted by learned State counsel that custodial interrogation of the petitioner is not required at this stage, the petitioner is directed to be released on anticipatory bail subject to his joining investigation with the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to his satisfaction. The petitioner shall also abide by the terms and conditions as envisaged under Section 438(2) of Cr.P.C.

However, it is made clear that in case the petitioner does not comply with the aforesaid direction of joining the investigation within one week, the order passed by this Court today shall automatically stands cancelled.

The petition in the aforesaid terms stands allowed.

(SANDEEP MOUDGIL)
JUDGE

31.05.2024
Poonam Negi

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No