

2024:PHHC:115001



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

207	CRM M-30086 of 2024	
	Date of Decision: 03.09.2024	
Raj Kumar	Versus	...Petitioner
State of Haryana		... Respondent

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. R.K. Chaudhary, Advocate,
for the petitioner.

Ms. Sheenu Sura, DAG, Haryana.

Mr. Rakesh Dhiman, Advocate, for the complainant.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has filed the present petition under Section 438 Cr.P.C. with a prayer to grant him anticipatory bail in case FIR No. 159 dated 05.05.2024 under Sections 436 and 120-B IPC registered at Police Station City Sohana, District Gurugram, Haryana.
2. The FIR in the present case was registered on the basis of the statement made by Dharam Singh Saini and the same has been reproduced below:-

*“To the S.H.O. Sahab, City Police Station, Sohna.
Sub:- Legal action be taken against the culprits, who
deliberately set fire to a three storey rented building with
a preplanned conspiracy. Sir, it is humble submission
that the applicant was doing Hotel business in his three*

storied building at Sohna bypass adjacent to 'Bhivishya Vatika'. Due to his ill health, about 8-9 months ago, entire building in the shape of hotel was given on rent @ Rs.75,000/- per month to Sh. Raj Kumar son of Antram, resident of Phulwari (Mobile No. 8221952400) Tehsil and District Palwal, vide rent deed. Even though, the tenant had not given the settled price of the furniture, i.e., Rs. 65,000/-, which was being used in the hotel till today; alongwith this, the rent of 2/3 months was pending towards the tenant. Due to non-payment of the rent and my pressure for the vacation of all the three stories of my hotel, the above said tenant has managed to get the hotel set on fire, either through his representative Sunny (Mobile No. 95881-52713) or Shivam, by pouring some inflammable substance or chemicals etc. on all the three floors of the hotel and I have full doubt on that. Because, after the fire-brigade controlled the fire in 2-3 hours; on inspecting of the building, it appeared that there was no electrical short circuit anywhere from the top to bottom in the building. The fire in the building does not seem to have started from the one spot, but appears at various places on every floor. The fire appears to have burnt, while all the doors of the rooms are closed. Chemical stains are still visible at many places on the floors of the building. Information has also received from sources that all the valuable goods used in the hotel were taken away in a truck by a person named Shamshad (Mobile No. 93155-13211) 2-3 days ago. Even much before setting the fire, all the cameras installed in the building were switched off. Due to the fire in the building for about two-three hours, the

three storey building constructed at a cost of Rs.80-85 lakh has become dilapidated and is no longer fit for use. Considering the above facts, either from the forensic Team or CIA Department or from any competent higher authority, you should thoroughly get the incident of arson investigated and identify the culprits, who set the fire and take appropriate legal action against them and the damage of the applicant be got compensated. I, the applicant and my whole family will be highly grateful to you for this action of support till the end of our lives. Thanking you. Note: copy of rent agreement is enclosed. Dated 19.04.2024. Sd/- (in Hindi dialect) Applicant: Dharam Singh Saini son of Sh. Kundan Lal Saini, resident Ward No. 14, Sohan (Mobile No. 93543-40632)".

3. Learned counsel for the petitioner contends that the petitioner has been falsely involved by the owner of the property, i.e., the complainant and no specific allegations have been levelled against the petitioner. In fact, the petitioner was running a hotel in the building in question, after getting the approval from the office of Deputy Commissioner of Police, Gurugram (South). He further contends that a function was held in the hotel and accidentally, the hotel caught fire and the petitioner had suffered huge financial loss. He further contends that the complainant was having a dispute with the petitioner and he has been falsely involved in the present case.
4. On the other hand, learned counsel assisted by the learned counsel for the complainant submit that the complainant was

not maintaining good health and he had leased out his hotel building to the petitioner about 8/9 months ago on rent at the rate of Rs. 75,000/- per month. The petitioner did not pay for 2/3 months and due to this, the complainant was pressurizing the petitioner to vacate the premises. However, the petitioner managed to set the hotel on fire through Shivam or Sunny by use of inflammable chemicals. The entire hotel building was set on fire and it was extinguished after 2/3 hours. On inspection, it was found that there was no short circuit of electricity and the building had caught fire at different places of each floor. Even, the marks of chemical were visible on all the floors. The petitioner, who was in possession of the property, had switched off CCTV cameras of the building before the setting the hotel on fire. Thus, the huge loss was caused to the complainant by the petitioner.

5. I have heard learned counsel for the parties and perused the record.

6. In the present case, it is apparent that the petitioner was occupying the three storey hotel building and he had taken the building on rent from the complainant. It has also been found during the course of investigation that the petitioner was not paying the rent regularly to the complainant and the complainant was pressurizing him to vacate the building. Due to this, the petitioner got annoyed and set the building on fire. Thus, the allegations against the petitioner are serious in nature. Apart from that, in the present case, the custodial interrogation of the petitioner is required for obtaining the

information regarding the chemical use in burning the hotel and know the involvement of other persons, who had participated in the crime, alongwith the petitioner. In view of the gravity of the allegations levelled by the complainant against the petitioner, the petitioner is not entitled to the concession of anticipatory bail and the petition is ordered to be dismissed.

03.09.2024
amit rana

(N.S.SHEKHAWAT)
JUDGE

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