



CRM-M-51725-2024

1

219

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-51725-2024

Date of Decision : 07.11.2024

Suresh Kumar

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. S.K. Verma, Advocate
for the petitioner.

Mr. Gaurav Bansal, DAG Haryana

KIRTI SINGH, J.(Oral)

1. Apprehending arrest in FIR No.196 dated 31.05.2024, under Sections 34, 448, 452, 454, 506 and 511 IPC registered at Police Station Civil Lines, Jind, District Jind, the petitioner has preferred this petition under Section 482 of BNSS for grant of anticipatory bail.
2. The contents of the above-mentioned FIR are reproduced herein below :-

“To, The SHO P.S. Civil Lines Jind. Subject: Sir, it is requested that I, Raswinder Singh S/o Sh. Sant Kumar, am resident of House No. 3546 Urban Estate Jind. In the year 2017, Ritu Lathar W/o Shri Jai Bhagwan Lathar came to live as a tenant in my house, to whom I rented the ground floor of my house @ Rs. 8,000/- per month. I had asked Ritu Lathar for an agreement before giving the house on rent, but Ritu Lathar refused to give the agreement. Ritu Lathar had been living on rent in my house and it had completed three years. Thereafter, Ritu Lathar had gone to jail in FIR No. 560 dated 16-12-



CRM-M-51725-2024

2

2017 under section 20/61/85 NDPS Act registered at Safidon Police Station for illegal business of narcotic substance. Thereafter, I had informed Ritu Lathar to vacate my house when she came on leave/furlough and also informed her relatives who used to visit her to vacate the house. Thereafter, the relatives of Ritu took her belongings from the house. She kept on paying rent for 3-1/4 years. Now Ritu Lather is not paying rent from last 3 years nor I received any rent from her. My wife Birmati had been filed a case in Jind Court for vacating the house and getting the rent, which was going on in the Court. On 18-05-2024, Ritu Lathar had come on furlough/Leave from Jind jail. After coming from Jail, She had gone to my house along with 2/3 of her companions and tried to keep her belongings there with the intention of illegally occupying the house, but her attempt was failed. Today on 31-05-2024, Ritu Lathar along with 3 (three) persons came to my house at 5.50 PM with the intention of illegally occupying it. On not being able to enter the main gate of the house, Ritu Lathar and the three persons accompanying her jumped over the wall of my house and entered the house. I and my wife opposed them to entry into the house at that time, they abused us and threatened to kill us and tried to break the lock of the garage built in my house with the intention of illegally occupying and living there. I and my wife opposed a lot but they did not stop their activities and Ritu Lathar kept telling me repeatedly that I am not scared of going to jail but I will occupy your house and if you oppose this then I know some really bad goons and I will get you and your family killed by them. After this, understanding the circumstances, I informed the police on 112 about the Incident. Ritu Lathar and her three other companions entered my house illegally by jumping over the wall, tried to break the lock of the garage and entered with the intention of illegally occupying the house. When I came to know about the incident and my wife opposed, they threatened to kill me and carried out the incident. Legal action should be taken against Ritu Lathar and her three other companions. Ritu Lathar is on parole



and her parole should also be cancelled by taking action as per law. The CCTV camera installed at my house has footage of this entire incident. I will present the CCTV footage to you. I am giving written complaint about the incident. Appropriate action should be taken. SD Rashvinder Singh.”

3. Learned counsel for the petitioner *inter alia* submits that the petitioner has been falsely implicated in this case. He further submits that name of the petitioner is not mentioned in the FIR and the police are trying to arrest him only on the basis of CCTV footage, in which presence of the petitioner is not clear.
4. Per contra, learned State counsel submits that anticipatory bail application of the similarly situated co-accused has already been dismissed by this Court vide order dated 22.07.2024 passed in CRM-M-30133-2024. He further submits that on 20.08.2024, the complainant Rasvinder was joined in the investigation of the case and his supplementary statement under Section 180 BNSS was recorded in which he disclosed that the accused Ritu Lather in order to encroach his house had brought with her three other persons and on the basis photographs prepared from the CCTV footage of incident, he had got identified the persons accompanied with her. On identification it has been found that the accused Suresh (petitioner) and Radhey were accompanied her at the time of commission of crime. He further submits that the character and antecedents of the petitioner-accused are concerned, besides the present case, the following cases are also registered against him:-

Sr. No.	FIR No.	Dated	Under Section	Police Station
1.	232	22.08.2021	279,337 IPC	Civil Lines, Jind
2.	350	22.10.2022	279,304A IPC	Julana

**CRM-M-51725-2024****4**

Learned State counsel submits that both the aforementioned case are pending trial. The petitioner-accused has also not been declared as proclaimed offender in any case.

5. Heard the rival submissions made by learned counsel for the parties and perused the record.

6. There are serious allegations leveled against the petitioner. Initially, on 31.05.2024, at 5-50 p.m. Ritu Lather alongwith three co-accused persons including the present petitioner with intention to illegally encroach upon the house of the complainant came there, but when they could not enter from main gate then Ritu Lather and other co-accused persons entered in the house by jumping over the wall. When the complainant and his wife raised objection about entering in the house then they abused and threatened to kill them and with intention to reside illegally tried to break open the lock of garage. The petitioner is clearly seen jumping over the wall of the house. The incident has been covered under CCTV and the petitioner-accused and his co-accused can be seen with muffled faces and there was nothing with them to shift the household articles. The iron rod used in the commission of offence is to be recovered from the petitioner. Accordingly, to unearth the true dimension of the alleged crime, this Court does not deem it appropriate to interfere in the matter so as to grant the concession of anticipatory bail to the petitioner at this stage.

7. The petition is dismissed.

07.11.2024

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**(KIRTI SINGH)
JUDGE**