

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

214CRM-M-55502-2024
Date of decision: 14th November, 2024

Pargat Singh...Petitioner

Versus

State of Punjab...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Gaurav Garg, Advocate for the petitioner.
Mr. Satjot Singh, AAG, Punjab.

MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short ‘BNSS’) seeking anticipatory bail in the FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
159	12.08.2024	Sadar Nabha, District Patiala	454, 380, 448, 511 and 120-B of IPC, 1860

2. Adumbrated facts as emanating from the record are that the complaint was lodged by the complainant Chachal Kumar alleging therein that accused Vikas Jindal who was owner of Sarvpriya Hotel, Nabha had entered into an agreement for running swimming pool in his hotel with him. As per the written agreement executed on 15.03.2022, the complainant had paid an amount of Rs. 17,50,000/- to Vikas Jindal. That apart, he spent an amount of Rs. 50,00,000/- for renovation and repair of the pool and installation of machines. It was agreed that the lease deed would be executed for eleven months initially and the lease period would be extended for ten



years and the amount spent by complainant was to be adjusted against the lease amount. The complainant alleged that after expiry of period of eleven months when he asked the accused Vikas Jindal to extend the period of lease, he started putting off the matter and thereafter refused to do so. The complainant then asked him to remove the machines installed by them in the hotel but even that was refused by him.

3. As per the further allegations, on 05.12.2023, the accused Vijay in connivance with his employee Pargat Singh i.e. the petitioner has committed theft of articles belonging to him which were kept in the hotel. The complainant found them taking away those articles on 05.12.2023 at noon and when he objected to the same, he was man-handled and then the accused fled away as the complainant had called the police. During the course of investigation, the complainant recorded a supplementary statement, disclosing that the accused Neeraj Khanna had broken the locks of the pool premises and on his asking, the petitioner had removed tables kept therein. Apprehending his arrest, the petitioner had moved an application for grant of anticipatory bail which was dismissed by the Court of learned Additional Sessions Judge, Patiala vide order dated 10.10.2024.

3. The present petition has been filed by the petitioner on the grounds and it is argued by his counsel that he has been falsely implicated in this case only due to dispute between the accused Vikas Jindal who is employer of the complainant. Complaint has been lodged ten months after the expiry of period of lease deed. The accused Vijay Jindal was out of country on 05.12.2023 and therefore, there was no question of his



committing any theft along with the petitioner on that date. Contradictory stands have been taken by the complainant. His custodial interrogation is not required. As per the allegations, he had committed theft of a table, but in the FIR itself, it was mentioned that the stolen articles including table had been left at the spot by the accused which were taken into possession by the police. Custodial interrogation of the petitioner is not required. No recovery is to be effected from him. Co-accused Neeraj has since been extended benefit of bail. Petitioner is ready to join the investigation. Therefore, it is urged that the petition deserves to be allowed.

4. Status report has been filed by respondent-State. Learned State counsel has argued that there are serious and specific allegations against the petitioner and therefore, he does not deserve to be extended benefit of bail.

5. I have heard learned counsel for the petitioner as well as learned State counsel at considerable length and have gone through the record carefully.

6. The petitioner in connivance with the co-accused is alleged to have entered into the property belonging to the complainant i.e. the pool of the hotel owned by accused Vikas Jindal and is further alleged to have made an attempt to commit theft of the articles belonging to the complainant. From the allegations in the FIR itself, it is revealed that no offence of theft had been committed and the alleged stolen articles were found kept at the spot itself. The subject offences are triable by Magistrate. No recovery is to be effected from the petitioner. As such, his custodial interrogation is not required. Keeping in view the nature of the allegations as levelled against the



petitioner, I am of the considered opinion that it is a fit case for extending benefit of pre-arrest bail to the petitioner. Accordingly, the petition is allowed and the petitioner is ordered to be extended benefit of anticipatory bail, subject to his surrender before the learned trial Court within a period of ten days from the date of passing of this order and on his surrender within that period, he shall be released on bail by the learned trial Court on furnishing bonds to its satisfaction and the following conditions:-

- (i) the petitioner shall cooperate with the investigation and shall appear before the investigating officer/arresting officer as and when required.
- (ii) he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any Police Officer.
- (iii) he shall not commit any similar offence while on bail.

8. In case of violation of any of the above conditions, the jurisdictional Court shall be empowered to consider the application for cancellation, if any, and pass appropriate orders in accordance with law.

9. It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

[MANISHA BATRA]
JUDGE

14th November, 2024

Parveen Sharma	1. Whether speaking/ reasoned	:	Yes / No
	2. Whether reportable	:	Yes / No