

In the High Court for the States of Punjab and Haryana
At Chandigarh

CRM-M-65518-2023 (O&M)
Date of Decision:-21.3.2024

Gurmeet Singh @ Rinku and another ... Petitioners

Versus

U.T., Chandigarh ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Gurnoor Singh Sethi, Advocate for the petitioners.

Mr. Manish Bansal, P.P., U.T., Chandigarh,
assisted by ASI Surjit Singh.

Mr. Rupesh Kumar, Advocate for the complainant.

FIR No.	Dated	Police Station	Section/s
0194	2.12.2023	Sector-31, Chandigarh	454, 380, 120-B of Indian Penal Code

GURVINDER SINGH GILL, J.(Oral)

1. The petitioners seek grant of anticipatory bail in respect of the
aforementioned FIR.
2. The FIR in question was lodged at the instance of Chander Parkash, wherein
it is alleged that the he had let out one shop on rent to Saini Welding Works,
wherein Gurmeet Singh is the tenant. It is alleged that upper floor of the room
was in complainant’s possession, wherein he had kept his household articles
and some iron articles. On 20.7.2022, he came to know that Gurmeet Singh

has broken the locks of stairs and had removed iron articles lying on the first floor. It is also stated therein that a court case is also going on before the Rent Controller, Chandigarh. The complainant alleged that when he sent his son Ashwani Kumar at the spot, Gurmeet Singh started abusing him and threatened to eliminate him. Gurmeet Singh is alleged to have been accompanied by two other unknown persons. The complainant further stated therein that cameras are installed at the premises of Gurmeet Singh @ Rinku and that the DVR be seized lest the accused may delete the footage.

3. Learned counsel for the petitioners submitted that the petitioners have falsely been implicated in the present case at the behest of the complainant as a tenancy dispute is going on between the petitioner - Gurmeet Singh and the complainant and the complainant has instituted a petition for ejectment of the petitioner, which was pending as on the date of lodging of the FIR. Learned counsel further submitted that in the instant case, the complaint, on the basis of which FIR was lodged, was submitted on 20.07.2022, whereas the FIR came to be lodged falsely on 2.12.2023 as no evidence could be collected to substantiate allegations. Learned counsel submits that since the petitioners have already joined investigation, their custodial interrogation is not required.
4. Opposing the petition, learned State counsel submitted that although the petitioners have joined investigation, but since they have not got recovered the stolen articles and have not disclosed the particulars of their co-accused, therefore, no case for grant of anticipatory bail is made out. It has, however, been informed that the petitioners are not involved in any other case.
5. Learned counsel representing the complainant vehemently opposed the petition and submitted that since there is CCTV footage indicating the

presence of the petitioners, who have stolen the articles, no case for grant of anticipatory bail is made out.

6. Upon a query made by this Court to the learned State Counsel as to whether there is any CCTV footage, learned State counsel passed on the said footage furnished by ASI Surjit Singh and has shown the said CCTV footage with the help of his mobile phone and has stated that he also possesses the pen-drive. This Court watched the CCTV footage on the mobile phone provided by the learned State counsel and after watching the same returned back the same to the Investigating Officer concerned. A perusal of the same does show that one person is shown to be breaking some kind of lock and had entered up the stairs. The said person is stated to be accused - Sonu (petitioner No.2). Two other persons, after a short while, followed up the stairs. However, nothing is reflected therefrom as to whether any articles were brought down from the stairs. The State counsel, however, could not furnish definite information regarding the source of CCTV footage or DVR.
7. Learned counsel representing the complainant, however, tried to explain that as a matter of fact the articles were thrown from the first floor to the back side of the premises in question on account of which the said articles are not shown to be brought down from the stairs.
8. During the course of arguments, learned counsel for the complainant vehemently argued that since it is a case where custodial interrogation would be required as the articles in question have not been recovered, therefore, the petitioners do not deserve the concession of anticipatory bail.

9. While in a given case where some finer details of the occurrence are to be unearthed, custodial interrogation would certainly be required, but merely on the premises that certain stolen articles are to be recovered, custodial interrogation would not be justified in each and every case as the same may virtually amount to asking the accused to admit his guilt in a certain case, despite the fact that there may even be circumstances to the contrary. In the present case, the Court is also put at a caution in view of the fact that the matter stems from a dispute between landlord and tenant. Under these circumstances, this Court is of the opinion that it is a fit case for grant of anticipatory bail.
10. The petition, as such, is accepted and the interim directions issued by this Court vide order dated 5.1.2024 are hereby made absolute, subject to the condition that the petitioners shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438(2) Cr.P.C.

21.3.2024
pankaj/geeta

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No