



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

**CRM-M-31078-2026
Date of decision: 27.05.2026**

Varun Kumar Thakral

.....Petitioner

versus

State of UT Chandigarh

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Mukul Ahuja, Advocate
for the petitioner.

Mr. Manish Bansal, Public Prosecutor and
Mr. Rajesh K. Sheoran, Addl. PP, UT Chandigarh.

Mr. Nitin Sharma, Advocate
for the complainant.

RAJESH BHARDWAJ, J.

1. Petitioner has approached this Court praying for grant of anticipatory bail to him in case FIR No.27 dated 02.04.2026, under Sections 305, 332, 3(5) of the BNS, registered at Police Station Sector-19, Chandigarh.

2. Succinctly facts of the case are that the FIR has been lodged on the statement of complainant, namely, Devendra Kumar Lamdharia S/o Churdas Lamdharia. It was alleged that he had taken first floor of House No.450, Sector 20-A, Chandigarh on rent from Vishvajeet Arora (owner of the house), in the month of June, 2023 as per separate rent agreement. He used to live in Ambala, however, occasionally visited the rented accommodation in Chandigarh. It was alleged that on 19.04.2025, when he came to Chandigarh from Ambala, he found the house opened, where some boys and girls were living in his rented accommodation. He



informed the police on helpline No.112. He came to know that Varun Kumar (present petitioner), Akash and Gurmeet had broken the locks and rented out the rooms to some boys and girls. He had given the details of the household articles which were stolen and were not found in his rented accommodation. Request was made to take legal action against the accused persons. Thus, the FIR was registered and investigation commenced. Apprehending his arrest, petitioner approached the Court of learned Additional Sessions Judge, Chandigarh praying for grant of anticipatory bail. However, after hearing counsel for both the sides, the same was declined vide order dated 21.05.2026. Hence, being aggrieved, petitioner is before this Court by way of filing the present petition.

3. Learned counsel for the petitioner has contended that the petitioner has been falsely implicated in the present case. He has submitted that there is a delay of almost one year in registration of the present FIR as the complainant found the doors of his rented house broken on 19.04.2025 and he got registered a complaint regarding the same on 25.04.2025, whereas, the present FIR was registered on 02.04.2026. He has submitted that the petitioner has been implicated in this case by the complainant and owner of the house in collusion with each other and the motive behind this is to grab the hard earned money of Rs.20,70,150/- of the present petitioner which the owner of property in question had taken from him in the year 2024 and also to put undue pressure upon the petitioner to settle the civil suit filed by him. He has submitted that the complaint filed against the petitioner was thoroughly inquired by the police, however, the same was found without any admissible evidence and the case was closed. He has submitted that in the month of December,



2021, the petitioner started living in the above said house and spent huge amount in renovation of this property and also put the articles to run Paying Guest business in partnership with Vishvajeet Arora to share profit. He submits that the house in question was in occupation of the petitioner and he was regularly paying property tax, electricity and water consumption charges. He submits that the petitioner suffered loss in paying guest business and he inducted Akashdeep as partner in his business. He submits that the role of the petitioner is limited to the extent that he received monthly rent. He submits that in the month of July, 2024, the petitioner received a show cause notice from SDM(East), Chandigarh and then he came to know that the property is in the name of Smt. Ritika Sharma, Sanjeev Joshi, Varun Joshi, Smt. Anjana and Smt. Santosh Joshi. He submits that the petitioner inquired from Vishvajeet Arora about the ownership of the property who told that the property is benami property is which in the name of his wife, so, it was not got transferred in his name. He submits that on 14.07.2024, Vishvajeet Arora called the petitioner and told that his wife has managed to purchase a plot in the industrial area of Banur at very cheap price and if he was interested, then they can invest in the plot and earn profit. The petitioner invested Rs.20,70,000/- to purchase the plot at the instance of Vishvajeet Arora after mortgaging his gold and got amount financed. After some time, Vishvajeet Arora told that they had to stop the paying guest business activities in the building for some time and to get the building vacated from the students otherwise the property has to be sealed by the SDM(East) as show cause notice was given. Vishvajeet Arora also filed a reply to show cause notice and he also asked to execute a fresh rent agreement of that property. He submits that in this



way, Vishvajeet Arora has committed a fraud with the petitioner and got an industrial plot at Banur in his name. He submits that the petitioner has nothing to do with the rented premises which was let out to other person. In the show cause notice of the SDM(East) all the floors of the premises have been shown under the possession of the petitioner and the complainant has not been shown to be a tenant in that property. In the earlier inquiry, the investigating agency had given the clean chit to the petitioner. He submits that no evidence has been collected by the police during investigation against the petitioner. He has submitted that the dispute between the parties is purely of civil nature which has been given a criminal case. He has relied upon the judgments titled as **Manjit Kaur Vs. State of Punjab, 2021(1) RCR (Criminal) 150, Dhariwal Tobacco Products Ltd. Vs. State of Maharashtra, 2009(1) RCR (Criminal) 677** and **Arnesh Kumar Vs. State of Bihar, (2014) 8 SCC 273**. To buttress his arguments, learned counsel has submitted that the petitioner has no criminal antecedents as he has never been involved in other case. He thus, has submitted that in the facts and circumstances of the case, no *prima facie* case as alleged is made out against the petitioner and hence, he deserves to be granted anticipatory bail.

4. Learned State counsel as well as learned counsel for the complainant have vehemently opposed the submissions raised by counsel for the petitioner. It is submitted that the ground and second floors of the house belonging to Vishvajeet Arora were taken on rent by the petitioner and others and Vishvajeet Arora had let out the first floor to the complainant, Devinder Kumar, who was a Director in the company in which Vishvajeet Arora was also a Director. The first floor was let out to



the complainant so that he may look after the affairs of the company in a better manner. The FDR and other important documents of the company were also present in the rooms rented out to the complainant and those important documents and FDR are now in possession of the accused persons, however, the said fact is clear from the application moved by Vikas, the brother of Akashdeep. It is submitted that the petitioner has given the affidavit before the SDM to the effect that he is the tenant of the ground and second floor and there is no mention of the first floor in the affidavit filed by the petitioner (to the SDM(East)) in pursuance of the show cause notice issued to him. It is submitted that all the accused are hands in gloves with each other and they have prepared the false affidavit only to defeat the rights of the complainant as well as the actual owner i.e Vishvajeet Arora. At the time of granting the anticipatory bail, the antecedents of the accused persons are to be checked and a large number of complaints are pending against all of them before the Chandigarh Police, which is clear from the news articles published against them. They have submitted that all the accused persons are in the habit of taking the illegal possession of the premises of innocent persons and then take huge amount to evict them, which is otherwise clear from the video footage uploaded by them on the *whatsapp* status, which has now been downloaded by the complainant. They have submitted that the allegations made against the accused persons are serious in nature. They have further submitted that custodial interrogation of all the accused including the petitioner is required, thus, the petitioner does not deserve the concession of anticipatory bail and the present petition deserves to be dismissed.

5. After hearing counsel for the parties and perusing the record,



it is deciphered that the petitioner has been implicated in this case on the allegation that during the absence of the complainant, who had taken property on rent. The petitioner along with the co-accused broke open the lock of the alleged premises and committed theft. The petitioner has claimed that the 02 floors of the premises were taken on rent by him as well as other accused persons, however, the evidence collected during the investigation does not support his version. Perusal of the record reveals that in the proceedings before the concerned SDM, the petitioner had specifically stated in his affidavit that only the ground and second floor of the premises were taken on rent. The inspection report of the concerned Inspector also shows that certain rooms on the first floor were being used for paying guest accommodation while some rooms were lying vacant. Thus, *prima facie* the stand now taken by the petitioner and co-accused regarding tenancy over the whole premises appears to be contradictory with the record. Petitioner along with co-accused have also relied upon a partnership deed dated 06.05.2024 in support of their claim, however, the said document has been shown to be attested before a Notary Public at Sonipat, whereas, during the investigation, the concerned Notary has denied the attestation of the said document. Consequently, at this stage, the partnership deed given by the petitioner along with co-accused cannot be relied upon. There are specific allegations levelled against the petitioner. The accused are in the knowledge of financial transactions of the actual owner, namely, Vishwajeet Arora, who is one of the Directors in the company in which the complainant is also a Director and the said fact *prima facie* shows that the accused are in the possession of sensitive documents of the complainant side, but there is no explanation as to how



they came in possession of the same. Perusal of the record further shows that various inquiries are pending against all the accused persons. Petitioner along with accused persons have also been alleged to have taken the money for vacating the premises of some innocent person and all these facts do not entitle the petitioner for grant of extraordinary relief of anticipatory bail. For complete and effective investigation of the present case, custodial interrogation of the petitioner is very much required.

6. For the consideration of anticipatory bail, the statutory parameters are given under Section 482(2) of Bharatiya Nagarik Suraksha Sanhita, 2023 which reads as under:-

“Direction for grant of bail to person apprehending arrest:-

Where any person has reason to believe that he may be arrested on an accusation of having committed a non-bailable offence, he may apply to the High Court or the Court of Session for a direction under this section; and that Court may, if it thinks fit, direct that in the event of such arrest, he shall be released on bail.

When the High Court or the Court of Sessions makes a direction under sub-section (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including-

- (i) a condition that the person shall make himself available for interrogation by a police officer as and when required;*
- (ii) a condition that the person 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 from disclosing such facts to the Court or to any police officer;*
- (iii) a condition that the person shall not leave India without the previous permission of the Court;*
- (iv) such other condition as may be imposed under sub-*



section (3) of Section 480, as if the bail were granted under that Section.

7. As per law settled by the Hon'ble Supreme Court, in **Gurbaksh Singh Sibbia Vs. State of Punjab, AIR 1980 SC 1632**, while granting anticipatory bail, the Court is to maintain a balance between the individual liberty and the interest of society. However, the interest of the society would also prevail upon the right of personal liberty. The relevant part of the judgment is as follows:-

31. In regard to anticipatory bail, if the proposed accusation appears to stem not from motives of furthering the ends of justice but from some ulterior motive, the object being to injure and humiliate the applicant by having him arrested, a direction for the release of the applicant on bail in the event of his arrest would generally be made. On the other hand, if it appears likely, considering the antecedents of the applicant, that taking advantage of the order of anticipatory bail he will flee from justice, such an order would not be made. But the converse of these propositions is not necessarily true. That is to say, it cannot be laid down as an inexorable rule that anticipatory bail cannot be granted unless the proposed accusation appears to be actuated by mala fides; and, equally, that anticipatory bail must be granted if there is no fear that the applicant will abscond. There are several other considerations, too numerous to enumerate, the combined effect of which must weigh with the court while granting or rejecting anticipatory bail. The nature and seriousness of the proposed charges, the context of the events likely to lead to the making of the charges, a reasonable possibility of the applicant's presence not being secured at the trial, a reasonable apprehension that witnesses will be tampered with and "the larger interests of the public or the state" are some of the considerations which the court has to keep in mind while deciding an application for anticipatory bail. The relevance of these considerations



was pointed out in State v. Captain Jagjit Singh (1962) 3 SCR 622, which, though, was a case under the old Section 498 which corresponds to the present Section 439 of the Code. It is of paramount consideration to remember that the freedom of the individual is as necessary for the survival of the society as it is for the egoistic purposes of the individual. A person seeking anticipatory bail is still a free man entitled to the presumption of innocence. He is willing to submit to restraints on his freedom, by the acceptance of conditions which the court may think fit to impose, in consideration of the assurance that if arrested, he shall be enlarged on bail.

8. The Hon'ble Supreme Court in **State Vs. Anil Sharma, (1997) 7SCC 187**, held as under:-

6. We find force in the submission of the CBI that custodial interrogation is qualitatively more elicitation-oriented than questioning a suspect who is well ensconced with a favorable order under Section 438 of the Code. In a case like this effective interrogation of a suspected person is of tremendous advantage in disinterring many useful informations and also materials which would have been concealed. Success in such interrogation would elude if the suspected person knows that he is well protected and insulated by a pre-arrest bail order during the time he is interrogated. Very often interrogation in such a condition would reduce to a mere ritual. The argument that the custodial interrogation is fraught with the danger of the person being subjected to third-degree methods need not be countenanced, for, such an argument can be advanced by all accused in all criminal cases. The Court has to presume that responsible police officers would conduct themselves in a responsible manner and that those entrusted with the task of disinterring offences would not conduct themselves as offenders.

9. Weighing the facts and circumstances of the present case on the anvil of law settled and the gravity of allegations and the role



attributed to the petitioner, this Court is of the opinion that the custodial interrogation of the petitioner is very much essential to bring the truth on record and as such, petitioner does not qualify for exercising the extraordinary powers by this Court in his favour. Resultantly, the present petition, being devoid of any merit, is hereby dismissed. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

27.05.2026
m. sharma

(RAJESH BHARDWAJ)
JUDGE

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