

2(e) of the Act defines public premises as a premises belonging to or taken on lease or requisitioned by or on behalf of the State Government. Section 3(a) thereof provides that a person in possession of public premises otherwise than under any allotment lease or grant is in unauthorized possession of a public premises whether possession is before the commencement of the Act or after its commencement. The facts of this case clearly show that the property in dispute came to be declared as owned by the Government vide judgment and decree dated 23.02.1998 and, thus, even though the petitioner came into possession prior to the said date, he is a person in unauthorized possession of a public premises (as defined by Section 2(e) of the Act) otherwise than in pursuance of allotment, lease or grant.

6. For the aforementioned reasons, the writ petition has no merit and is dismissed.

Petition dismissed.

PUNJAB AND HARYANA HIGH COURT

Before: Arvind Singh Sangwan, J.

CRM-M-16293-2022 (O&M)

Decided on: 22.04.2022

Aushim Khetarpal

Petitioner

Versus

Tejpal Singh

Respondent

Alongwith

CRM-M-16341-2022 (O&M), Aushim Khetarpal v. Arminder Singh

And

CRM-M-16397-2022 (O&M), Aushim Khetarpal v. Ranjanpreet Kaur

Present:

Mr. R.S. Bajaj, Advocate for the petitioner (in all cases).

Negotiable Instruments Act, 1881 (26 of 1881), Section 138, 142 – Cheque bounce case -- Quashing of non-bailable warrants – Petitioner ready to surrender and apply for regular bail -- Further submitted that since the petitioner is resident of Delhi, he has no local surety and he can furnish security bonds as per valuation certificate regarding his residential house, therefore, the trial Court may be directed to accept the bail/security bonds in this regard – Considering the limited prayer direction given that in case the petitioner appears before the trial Court within a period of 15 days, the trial Court will not insist upon furnishing a local surety and will accept any other surety/security bonds, on the basis of property offered by the petitioner.

(Para 1-4)

ARVIND SINGH SANGWAN, J. (ORAL) –

1. Prayer in **CRM-M-16293-2022** is for quashing of the order dated

22.11.2021 and the order dated 05.04.2022 passed by the trial Court, vide which non-bailable warrants have been issued against the petitioner in Criminal Complaint No.NACT 3943 of 2020, registered on 18.03.2020, titled as Tejpal Singh Vs. Aushim Khetarpal, filed under Section 138 read with Section 142 of N.I. Act.

2. Prayer in **CRM-M-16341-2022** is for quashing of the order dated 16.03.2021 and the order dated 04.01.2022 passed by the trial Court, vide which non-bailable warrants have been issued against the petitioner in Criminal Complaint No.NACT 747 of 2020, registered on 14.01.2020, titled as Arminder Singh Vs. Aushim Khetarpal, filed under Section 138 read with Section 142 of N.I. Act.

3. Prayer in **CRM-M-16397-2022** is for quashing of the order dated 16.03.2021 and the order dated 04.01.2022 passed by the trial Court, vide which non-bailable warrants have been issued against the petitioner in Criminal Complaint No.NACT 1154 of 2020, registered on 21.01.2020, titled as Ranjanpreet Kaur Vs. Aushim Khetarpal, filed under Section 138 read with Section 142 of N.I. Act.

4. Learned counsel for the petitioner restricts his arguments to the extent that the petitioner is ready to surrender before the trial Court and apply for regular bail, as the offences are bailable. It is further submitted that since the petitioner is resident of Delhi, he has no local surety and he can furnish security bonds as per valuation certificate (Annexure P-5) regarding his residential house, therefore, the trial Court may be directed to accept the bail/security bonds in this regard.

5. Considering the limited prayer of the petitioner, all these three petitions are disposed of with a direction that in case the petitioner appears before the trial Court within a period of 15 days from today, the trial Court will not insist upon furnishing a local surety and will accept any other surety/security bonds, on the basis of property offered by the petitioner.

6. Disposed of, accordingly.

7. A photocopy of this order be placed on the files of other connected cases.

Order accordingly.

PUNJAB AND HARYANA HIGH COURT

Before: Alka Sarin, J.

CR No.768 of 2020 (O&M)

Decided on: 28.04.2022

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Petitioner

Versus

Ravi Rawat and Others

Respondents

Present:

Mr. Tushar Gautam, Advocate for the petitioner

Motor Vehicles Act, 1988 (59 of 1988), Section 166 -- Compensation