

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH
1.CRM No. M-12218 of 2015 (O&M)**

Date of Decision: 09.07.2015.

Sudarshan Bhalla

... Petitioner

Versus

State of Haryana

... Respondent

2.CRM No. M-12228 of 2015 (O&M)

Vandana Sharma

... Petitioner

Versus

State of Haryana

... Respondent

3.CRM No. M-12307 of 2015 (O&M)

Gyaneshwar Bhalla

... Petitioner

Versus

State of Haryana

... Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Hamid Hussan, Advocate and
Mr. Naresh Jain, Advocate for the petitioner(s).

Mr. Satish Saini, DAG, Haryana.

Mr. Jagjeet Beniwal, Advocate for the complainant.

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TEJINDER SINGH DHINDSA.J.

This order shall dispose of the CRM No. M-12218 of 2015 titled as Sudarshan Bhalla v. State of Haryana, CRM No. M-12228 of 2015 titled as Vandana Sharma v. State of Haryana and CRM No. M-12307 of 2015 titled as Gyaneshwar Bhalla v. State of Haryana. Petitioners in these connected petitions seek the concession of anticipatory bail in case FIR No.60 dated 25.03.2015, under Sections 457/380 IPC, registered at Police Station Sector-14, Panchkula, District Panchkula.

Vide separate orders dated 17.04.2015 passed in CRM No.M-12218 of 2015, order dated 22.04.2015 passed in CRM No.M-12307 of 2015 and order dated 17.04.2015 in CRM No.M-12228 of 2015, ad interim protection as regards arrest was granted to the petitioners and they were directed to join investigation.

Perusal of the FIR would reveal that the allegations pertain to forcible entry, eviction of the complainant from premises described i.e. House No.617, Sector-17, Panchkula.

Prayer made in these present petitions is opposed by learned State counsel as also counsel appearing for the complainant by contending that even though Vandana Sharma i.e. the petitioner in CRM No.M-12228 of 2015 has joined investigation but the other petitioners have not come forth to join and report to the Investigating Agency.

Learned State counsel upon instructions from ASI Raj Kumar would submit that recovery of all the removed house hold articles from the house in question has not been effected till date.

Having heard counsel for the parties at length and having perused the pleadings on record, this Court is of the considered view that custodial interrogation of the petitioners would not be warranted.

It has gone undisputed that FIR No.241 dated 16.11.2013 was registered at Police Station Sector-14, Panchkula on the complaint of Vandana Sharma and against Meena Rani and Pawan Kumar i.e. the complainants in the instant FIR. FIR in question pertaining to which the petitioners herein are seeking bail was registered thereafter and also pertaining to the same very residential premises. That apart, pleadings would also reveal that civil proceedings were initiated inasmuch as a suit for

permanent injunction was instituted by Meena Rani complainant in the Court of learned Civil Judge (Senior Division), Panchkula in which one Hakam Devi was arrayed as party defending. The injunction sought was for restraining the defendants from interfering in the peaceful possession of Meena Rani over the entire premises i.e. House No.617, Sector-17, Panchkula. A copy of the plaint which has been placed on record at Annexure P-8 along with CRM No.M-12228 of 2015 would reveal that the complainant Meena Rani was claiming to be a tenant in pursuance to a rent agreement having been entered in the year 2009 with Hakam Devi, who was stated to be the owner of such premises.

During the course of arguments, it stands conceded that Hakam Devi had already expired in January, 2008 i.e. much prior in point of time to the rent agreement of the year 2009. This also explains the reason of Meena Rani (complainant herein) of having withdrawn that suit. Thereafter another suit has been instituted by Meena Rani in the year 2013 seeking permanent injunction as regards peaceful possession of the same very premises and in which Paramveer Bhalla S/o Ram Dev Bhalla has been arrayed as party defendant.

Clearly, civil proceedings pertaining to the same very residential premises are pending between the parties.

Under such circumstances, prayer made in these petitions is allowed. Order dated 17.04.2015 in CRM No.M-12218 of 2015, order dated 17.04.2015 in CRM No.M-12228 of 2015 and order dated 22.04.2015 in CRM No.M-12307 of 2015 are made absolute.

Petitions disposed of.

09.07.2015

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**