

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.39363 of 2015 and
Criminal Misc. No.M-39927 of 2015

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Date of decision:4.12.2015

Mohit and another

...Petitioners

v.

State of Haryana

...Respondent

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. J.S. Bedi, Senior Advocate with Mr. Sunil Sihag, Advocate
for the petitioners.

Mr. Anmol Malik, Assistant Advocate General, Haryana for
the respondent-State.

Mr. Sanjay Mittal, Advocate for the complainant.

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Inderjit Singh, J.

Cr. Misc. No.39363 of 2015:

For the averments made in the criminal miscellaneous
application, documents (Annexures-P.6 and P.7) are taken on record, subject
to all just exceptions.

The criminal miscellaneous application stands disposed of.

Cr. Misc. No.M-39927 of 2015:

This petition has been filed under Section 438 Cr.P.C. for the
grant of anticipatory bail in case FIR No.1038 dated 17.10.2015 registered
for the offences under Sections 409, 420, 467, 468, 471 and 120-B IPC and

Section 7 of the Prevention of Corruption Act at Police Station Jhajjar,
District Jhajjar.

Notice of motion has been issued in this case.

Mr. Anmol Malik, learned Assistant Advocate General, Haryana has put in appearance on behalf of the respondent-State and Mr. Sanjay Mittal, learned Advocate has appeared on behalf of the complainant and contested this petition.

I have heard learned counsel for the parties and have gone through the record.

The FIR has been registered at the instance of Madan Lal. As per the allegations in the FIR, Surender, who is husband of Smt. Urmila and father of Mohit-petitioners, forged the revenue record by showing himself as owner etc. A perusal of the FIR shows that the main allegations have been levelled against Surender, one Mohinder and revenue officials. The only allegation levelled against the present petitioners is that all other co-accused in conspiracy with the present petitioners, who are wife and son of Surender, have committed the offence.

At the time of arguments, nothing has been shown which role has been played by the present petitioners in the commission of the offence. The mere one line that along with other co-accused i.e. Patwari, LAO, Kanungo, Tehsildar, Lambardar etc. has conspired, it has not been shown as to how they have connived. Therefore, in view of the facts and circumstances of the present case and the fact that the main accused Surender is already in custody and the amount has also been taken by Surender-accused, I find sufficient ground that the petitioners are entitled to

the benefit of anticipatory bail.

In the facts and circumstances of the present case, I accept this criminal miscellaneous petition and in the event of arrest, the petitioners shall be admitted to bail on their furnishing personal bonds and surety each to the satisfaction of the Arresting/Investigating Officer. The petitioners will not tamper with the evidence. They shall join the investigation as and when called upon to do so and shall abide by the conditions of Section 438 (2) Cr.P.C.

December 4, 2015.

(Inderjit Singh)
Judge

hsp