

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-6629 of 2015 (O&M)

Date of Decision: 19.05.2015.

Vinod Chauhan & another

--Petitioners

Versus

State of Haryana & another

--Respondents

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

Present:- Mr. Sanjay Vashisht, Advocate for the petitioners.

Mr. Satish Saini, D.A.G., Haryana.

Mr. Rajesh Arora, Advocate for the complainant.

TEJINDER SINGH DHINDSA.J

This order shall dispose of the present petition filed under Section 438 Cr.P.C praying for grant of anticipatory bail to the petitioners in case F.I.R. No. 640 dated 15.8.2014 under sections 420, 467, 468, 471, 448, 120-B I.P.C registered at Police Station, Sector-5, Gurgaon, District Gurgaon.

On 12.3.2015 the following order was passed by this Court:-

“Inspite of respondent no.2 having been duly served, no representation has been caused on her behalf.

As per allegations contained in the F.I.R in question, the dispute is with regard to possession of House No.1856, Gali No.10 (New House No.66) Block No.211, Lakshman Vihar Colony, Phase-II, Gurgaon.

Apparently, pleadings on record would reveal that the petitioners herein had got registered F.I.R No.194 dated 2.4.2014 under sections 147, 149, 323, 354, 448, 452, 506 I.P.C at Police Station, Sector 5, Gurgaon and in which the complainant herein namely Smt. Sarbati Devi was one of the

accused and the allegations were with regard to having gained forceful entry into the premises in question. That apart, even a suit for declaration and permanent injunction in respect of the house in question stands instituted by the present petitioners in December, 2013 and in which the complainant Smt. Sarbati Devi has been arrayed as party/defendant no.6. Prima facie, the present F.I.R appears to be a counter blast to the proceedings already initiated by the petitioners earlier in point of time.

List on 19.5.2015.

In the meantime, petitioners are directed to join investigation and to appear before the I.O on 26.3.2015.

In the event of arrest, the petitioners shall be released on interim bail subject to the satisfaction of the Arresting Officer/Investigating Officer. The petitioners shall join investigation as and when called upon to do so and they shall remain bound by the conditions envisaged under Section 438 (2) Cr.P.C.”

Learned State counsel upon instructions from S.I. Yashvir Singh would apprise the Court that the petitioners have since joined investigation.

That apart, learned State counsel as also counsel appearing for the complainant have not rebutted the observations as also the facts as noticed in the order dated 12.3.2015.

Under such circumstances, custodial interrogation of the petitioners would not be warranted. Accordingly, the present petition is allowed. Order dated 12.3.2015, passed by this Court, is made absolute.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

19.05.2015
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