

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

CRM-M-1060-2016 (O&M)

Date of decision : 02.12.2016

Sonu Jaglan

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. N.S. Shekhawat, Advocate for the petitioner.

Mr. Saurabh Mohunta, DAG, Haryana,
assisted by SI Lehna Singh.

Mr. Arjun Lakhanpal, Advocate for the complainant.

JITENDRA CHAUHAN, J. (Oral)

The petitioner seeks anticipatory bail under Section 438 of the Code of Criminal Procedure, in FIR No.913 dated 16.11.2015, registered under Sections 147, 323, 452, 506, 427, 448, 511, 120-B, 395 and 397 read with Section 149 of the Indian Penal Code; and Section 25 of the Arms Act, at P.S. Model Town, Panipat.

It is contended that the parties are immediate neighbours. The petitioner is the owner-in-possession of Plot No.286-L, whereas, the complainant party owns the adjoining plot bearing No.286-R. Since 1971, repeated attempts have been made by the complainant party to encroach upon the petitioner's plot. The alleged incident took place on at about 3.00 p.m. in the house of the complainant, whereas, it is on record that the police party along with other officials had reached on the spot at about 4.30 p.m. which is evident from DDR entry at 4.18 p.m. (Annexure P-11), wherein,

the complainant was also present.

On the other hand, learned State counsel, on instructions, states that though the petitioner has joined the investigation, but he is not cooperating inasmuch as the recovery of Rs.90,000/- and 300 grams of gold is yet to be effected.

Heard.

The parties are immediate neighbours. On the application moved by the petitioner, Deputy Commissioner, Panipat, had ordered demarcation by Local Commissioner with police help. The alleged incident took place on 16.11.2015 at 3.00 p.m. As per the record, the complainant was present on the spot at the time when the demarcation proceedings were going on at around 4.30-5.00 p.m. on the same day. The instant FIR came to be registered at 09.38 p.m. Therefore, the possibility of false implication cannot be ruled out in this case.

In view of the above and the fact that the petitioner has repeatedly joined the investigation, without expressing any opinion on the merits of the case, the interim bail granted by this Court vide order dated 13.01.2016, is made absolute, subject to furnishing bail bonds/surety bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate concerned.

The petition stands allowed.

However, nothing noticed hereinabove shall be construed as an expression of opinion of this Court, on the merits of the case.

16.11.2016

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Whether speaking / reasoned :

Whether Reportable :

(JITENDRA CHAUHAN)

JUDGE

Yes

No

Yes

No

ATUL SETHI
2016.12.02 17:08
I attest to the accuracy and
authenticity of this document
Chandigarh