

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

**CRM-M No.15364 of 2016 (O&M)
Date of Decision : 11.08.2016**

Ram Kishan Petitioner

Versus

State of Haryana Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. S.S.Rana, Advocate for the petitioner.

Mr. Kuldeep Tiwari, Additional A.G., Haryana.

Mr. Chanderhas Yadav, Advocate for the complainant.

AJAY TEWARI, J. (Oral)

On 05.05.2016 the following order was passed:-

“Petitioner seeks concession of pre-arrest bail in case FIR No.265 dated 16.03.2016, under Sections 409, 420, 467, 468, 471, 506, 120-B of Indian Penal Code, registered at Police Station Jhajjar.

Briefly noticed, allegations against the present petitioner are that he while holding the post of Sarpanch he had issued a NOC/certificate in favour of Anup Singh, Abhay Singh, Anand sons of Sh. Deep Chand without due

inspection of the revenue record. In pursuance to such NOC/certificate having been issued by the petitioner, a sale deed is stated to have been executed.

Counsel would inter alia contend that civil proceedings with regard to validity of such sale deed between the seller party and purchaser party is already pending and as such the matter is subjudice. Further contended that against the backdrop of such allegations, custodial interrogation of the petitioner would not be warranted and he is otherwise ready and willing to join investigation.

Notice of motion, returnable for 11.08.2016.

In the meanwhile, petitioner is directed to appear before the Investigating Officer and to join investigation.

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

Learned counsel for the petitioner has argued that in respect of this very land a civil suit was decreed and thereafter an application filed by the Gram Panchayat for eviction was dismissed. The complainant has also filed a civil suit challenging the sale deed and a criminal case also.

Learned Additional Advocate General and learned counsel for the complainant have opposed the grant of anticipatory bail.

Be that as it may, in view of the above facts, I do not deem it an appropriate case where the custodial interrogation should be insisted upon.

Resultantly, the petition is allowed. The interim order dated 05.05.2016 is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

Since the main case has been decided, the pending criminal miscellaneous application, if any, also stands disposed of.

11.08.2016

Pooja sharma-I

**(AJAY TEWARI)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No