

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

**CRM-M No.16668 of 2016 (O&M)
Date of Decision : 11.08.2016**

Abhey and others Petitioners

Versus

State of Haryana Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. S.P.Chahar, Advocate for the petitioners.

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

Mr. Chanderhas Yadav, Advocate for the complainant.

AJAY TEWARI, J. (Oral)

On 13.05.2016 the following order was passed:-

“Briefly noticed allegations against the present petitioners are with regard to having unlawfully and illegally sold a parcel of land measuring 512 sq. yards approximately. Version of the complainant is that such land actually belongs to the Gram Panchayat of the village concerned.

Contention raised by counsel appearing for the petitioners is that the land in question was under the

ownership and title of their father namely Deep Chand on the strength of a decree passed by the competent court. It is also the contention of the counsel that civil proceedings with regard to validity of such sale deed already stand initiated at the hands of the present complainant and as such, the matter is sub judice.

Counsel has also placed reliance upon the order dated 5.5.2016 in CRM No. M-15364 of 2016 in terms of which co-accused Ram Kishan Sarpanch and who had issued the N.O.C/Certificate in favour of the present petitioners for facilitating the sale deed, has been granted ad interim protection as regards arrest.

Notice of motion, returnable for 11.8.2016.

To be listed along with CRM No. M-15364 of 2016.

In the meanwhile, petitioners are directed to join investigation.

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 counsel for the petitioners 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 13.05.2016 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.

(**AJAY TEWARI**)
JUDGE

11.08.2016

Pooja sharma-I

Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No