

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

CRM-M-20822 of 2016
Date of decision : 14.07.2016

Avtar Singh and anr.

...Petitioner (s)

Versus

State of Haryana

...Respondent (s)

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Pankaj Midha, Advocate for the petitioner (s).

Mr. Saurabh Mohunta, DAG, Haryana
assisted by ASI Ravinder Kumar.

Mr. Raj Kapoor Malik, Advocate
for the complainant.

JITENDRA CHAUHAN, J. (Oral)

By filing the present petition under Section 438 of the Code of Criminal Procedure, the petitioners have sought anticipatory bail in a case FIR No.581, dated 13.05.2016, registered under Sections 379, 447, 448/511 and 506 read with Section 34 of the Indian Penal Code (IPC), at Police Station City Panipat, District Panipat.

It is contended that the dispute between the parties is essentially of civil nature. The co-accused of the petitioners, namely Nishan Singh had earlier filed a suit on 03.05.2016 and FIR No.434 dated 14.04.2016 was also lodged by his son against the complainant. The present FIR is asserted to be the counter blast of the FIR registered against the

complainant. He further states that in pursuance of the order dated 10.06.2016, the petitioners have joined the investigation. The petitioners are residing in the vicinity of the premises for the last about 15 years and no such incident has ever occurred there.

On the other hand, the learned State counsel submits that though the petitioners have joined the investigation, however, the stolen articles i.e. gate, hand pump and certain bricks are yet to be recovered.

Heard.

Considering the fact that the parties have been litigating with each other, the false implications of the petitioners by the complainant cannot be ruled out, without expressing any opinion on the merits of the case, the interim bail granted by this Court vide order dated 10.06.2016, is made absolute, subject to the conditions contained in Section 438(2) Cr.P.C.

The petition stands allowed.

14.07.2016

ashok

(JITENDRA CHAUHAN)
JUDGE