

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-30364 of 2015 (O&M)

Date of Decision: 11.01.2016

Devender Kumar Singh & another

--Petitioners

Versus

State of Haryana

--Respondent

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

Present:- Mr. K.K. Saini, Advocate for the petitioners.

Mr. Anmol Malik, A.A.G., Haryana.

TEJINDER SINGH DHINDSA.J

This order shall dispose of the present petition filed under Section 438 Cr.P.C praying for the grant of anticipatory bail to the petitioners in case F.I.R. No.287 dated 9.5.2015 under sections 380, 447, 120-B, 506 I.P.C, registered at Police Station, DLF, Qutab Enclave, District Gurgaon.

On 11.12.2015, the following order was passed by this Court:-

“The learned State counsel states that owner of the property, Smt. Anita Arora, had executed General Power of Attorney in favour of wife of the complainant, namely Nisha Anand. However, the property remains in the name of Smt. Anita Arora. The stand of the petitioners is that he was authorised by Smt. Anita Arora.

Meanwhile, in the event of arrest of the petitioners by the Arresting Officer, they shall be released on interim bail subject to the following conditions:-

1. That they shall make themselves available for interrogation by a police officer as and when required;

2. That they shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from

disclosing such facts to the Court or to any police officer and;

*3. That they shall not leave India without prior
permission of
the Court.*

Post again on 11.01.2016.”

Learned State counsel upon instructions from ASI Parmod Kumar would apprise the Court that the petitioners have since joined investigation.

It would be apposite to take note of the fact that the allegations against the present petitioners at the hands of the complainant were with regard to having tress passed into certain commercial premises. Case of the petitioners is that the property even as of date, as per HUDA records is under the ownership of Smt. Amita Arora and the complainant is basing the allegations only on the basis of a General Power of Attorney allegedly executed by Smt. Amita Arora in the name of his wife and which till date has not been acted upon as the ownership still vests in the name of Smt. Amita Arora.

That apart, counsel for the petitioner has even adverted to a civil suit instituted on 12.6.2015 at Annexure P-1 in respect of the premises in question in which the complainant was arrayed as a party/respondent and an injunction was sought and vide order dated 12.6.2015, passed by the Civil Judge (Jr. Divn.), Gurgaon an injunction with regard to dispossessing the present petitioners from the premises in question has already been passed.

In view of the circumstances noticed herein above, this Court is of the considered view that custodial interrogation of the petitioners, as such, would not be warranted. Accordingly, the present petition is allowed. The order dated 11.12.2015, passed by this Court, is made absolute.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

11.01.2016
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