

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-36762 of 2016 (O&M)
DECIDED ON: December 02, 2016

MANT LAL

.....PETITIONER..

VERSUS

STATE OF HARYANA

....RESPONDENT..

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Chanderhas Yadav, Advocate,
for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

JASPAL SINGH, J (ORAL)

CRM-35247-2016

Application is allowed as prayed for. Certificate dated 01.11.2016 issued by the Bank (Annexure P-7) is taken on record, subject to all just exceptions. Office to tag the same at appropriate place.

CRM stands disposed of.

Main case

Through the instant petition preferred under Section 438 of the Code of Criminal Procedure, petitioner-Mant Lal has sought pre-arrest bail, feeling apprehension of his arrest, in case bearing FIR No.180, dated 09.06.2015, under Sections 420, 467, 468, 471 and 120-B IPC, Police Station Beri, District Jhajjar.

2. At the time of issuance of notice of motion, following order was passed by this Court on 13.10.2016:-

“Inter alia submits that the petitioner's son had

approached this Court for registering a criminal case against five private respondents who had sold the Shamlat land. Directions were issued that the FIR should be registered and the matter should be investigated after taking into account all the transactions of the Shamlat land of Thola Brahmin of village Dhubaldhan Dhikiyan vide order dated 19.05.2015 (Annexure P-2).

In pursuance of the same, the FIR came to be lodged on 09.06.2015 (Annexure P/1). The wife of the Sarpanch, namely, Suman, respondent No.8, therein, was granted a protection of anticipatory bail by the Additional Sessions Judge, Jhajjar and similarly, the Naib Tehsildar, Fateh Singh was also granted the same benefit (Annexure P-3) (Colly).

On account of the fact that he had mortgaged the shamlat land vide registered mortgage deed dated dated 07.12.2009, and on the ground that he claimed to be the absolute owner of the land in question, he has been arrayed as an accused but not named in the FIR. It is submitted that qua the petitioner, there is no allegation of selling the common land and only allegation is that he had wrongly got the mortgage deed registered with the bank claiming ownership.

Accordingly, it is pointed out that the petitioner is an aged person above 80 years, and the case is based on documentary evidence and the mortgage deed and the revenue record is available for the purpose of investigation and custodial interrogation is not required.

Notice of motion for 10.11.2016.

In the meanwhile, it is directed that the petitioner shall join investigation and in the event of arrest, he shall be released on interim bail by the arresting officer, subject to the conditions laid down in Section 438 (2) Cr.P.C.”

3. Learned State counsel is kind enough to state on instructions from ASI Pawan Kumar that in compliance of order dated 13.10.2016, the petitioner has already joined the investigation and is no more required for further

investigation.

4. Taking into consideration the aforesaid aspects of the case but without expressing any opinion on the merits, the petition is allowed and order dated 13.10.2016 is made absolute and shall enure during the pendency of trial but subject to the conditions provided under Section 438 (2) Cr.P.C.

December 02, 2016
sonika

(JASPAL SINGH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No