

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-42686 of 2015 (O&M)

Date of Decision: 25.02.2016

Ram Pal and another

--Petitioners

Versus

State of Haryana

--Respondent

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

Present:- Mr. V.K. Gupta, Advocate for the petitioner.

Mr. Rajiv Doon, A.A.G., Haryana.

Mr. R.S. Budhwar, Advocate for the complainant.

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.41 dated 1.4.2015 under sections 167, 196, 200, 203, 205, 207, 209, 420, 464, 465, 466, 467, 468, 471, 120-B I.P.C, registered at Police Station, Sadar Jagadhari, District Yamuna Nagar.

On 23.12.2015, while issuing notice of motion, the following order was passed by this Court:-

“CRM-42110 of 2015

This application is for placing on record Annexures P-11 to P-19.

Application is allowed and Annexures P-11 to P-19 are taken on record.

CRM-M-42686 of 2015

Learned counsel for the petitioners submits that the shops in dispute were given to the petitioners on lease basis by the Gram Panchayat and the petitioners are paying the lease amount as determined in the terms and conditions of the lease deed. A civil litigation is pending between the complainant and Gram Panchayat and a question of title is

involved in this case. No offence is made out against the petitioners. Nothing is to be recovered from the petitioners and they are ready to join investigation.

Notice of motion for 25.02.2016.

Meanwhile, the petitioners are directed to join investigation and in the event of arrest, they shall be released on interim bail to the satisfaction of the Investigating Officer. They shall join the investigation as and when required by the Investigating Officer. They shall also comply with the conditions as envisaged under Section 438(2) of the Code of Criminal Procedure, which are as under:-

(i)that the petitioners shall make themselves available for interrogation before investigating officer as and when required;

(ii)that the petitioners 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 him from disclosing such facts to the court or to any police officer;

(iii)that the petitioners shall not leave India without the prior permission of the Court.”

Learned State counsel upon instructions from S.I Hari Ram would apprise the Court that the petitioners have since joined investigation.

In the considered view of this Court, custodial interrogation of the petitioners, as such, would not be warranted. Accordingly, the present petition is allowed. The order dated 23.12.2015, passed by this Court, is made absolute.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

25.02.2016
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