

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

Criminal Application (ABA) No. 276 of 2017

M/s Sunil Hitech and ors v. State of Haryana and anr

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri S. V. Bhutada, Advocate for applicants

Coram : S. B. Shukre, J

Dated : April 21, 2017

Heard learned counsel for the applicants. Having regard to the nature of relief sought in this application, notice to the respondents is not necessary and, therefore, it is dispensed with.

This Court has granted some relief to the applicants by order dated 30th December 2016. That was in the nature of transit anticipatory bail to enable the applicants to move the appropriate Court situated in the State of Haryana for seeking appropriate relief. The effect of the order was upto 16th January 2017. It appears that the applicants could not obtain relief within the time given by this Court.

It is submitted by learned counsel for the applicants that the applicants have approached the High Court of Punjab & Haryana by filing application under Section 482 Cr. P. C. seeking quashing of the First Information Report. However, for the reason narrated in paragraph 5 of the application, the matter could not be listed before that Court during interregnum. But, the fact is that the application under Section 482 is still pending before the High Court of Punjab & Haryana. It is informed across the Bar by learned counsel for the applicants that the criminal

application is likely to be taken up for hearing on 24.4.2017. It could thus be seen that due diligence has been shown by the applicants after interim protection was granted to them. It is also seen that the applicants did not think it fit to get the period of time granted by this Court on 30th December 2016 extended, because they were under the bonafide belief that their criminal application would be taken up for hearing. Now, it is submitted by learned counsel for the applicants that from Haryana, police have issued notice to them and some of the police have also arrived in Nagpur in order to cause arrest of the applicants in Crime No. 328/2016 registered against them at Barwala Police Station. According to him, the First Information Report itself would disclose that it is a civil dispute.

While this Court would not like to make comments upon the nature of allegations in the FIR as it is not appropriate for this Court to do so, suffice it to say, for the purposes of this application, the applicants have been acting in a bonafide manner since the time they were granted interim protection and now once again, they are apprehending their arrest and their criminal application is likely to be listed for hearing on 24th April 2017, some interim protection deserves to be granted to the applicants.

Accordingly, this application is allowed and it is directed that in the event of arrest of applicants in crime No. 328/2016 registered with Police Station, Barwala, District Hissar, Haryana for the offences punishable under Sections 294, 406 and 420 of the Indian Penal Code, they be released on bail on each of them furnishing PR Bond of Rs. 25,000/- together with one solvent surety in the like sum. This order has been passed in order to enable the applicants to seek appropriate orders from the competent Court in the State of

Haryana and, therefore, it shall be valid and operative only till 24th april 2017 and if hearing in the Criminal Application filed by the applicants does not take place on 24.4.2014, it shall be so valid and operative till 25.4.2017. Hamdast granted. Authenticated copy be supplied to learned counsel for applicants.

JUDGE

joshi