

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-10155 of 2018
Date of Decision: 11.05.2018

Dalip Kumar

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. J.P. Sharma, Advocate
for the petitioner.

Mr. Munish Dev Sharma, AAG, Haryana.

Mr. H.P.S. Ghuman, Advocate
for the complainant.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 438 Code of Criminal Procedure for grant of anticipatory bail to the petitioner in case FIR No.700 dated 26.12.2017 registered for offences punishable under Sections 420, 406 and 120-B of Indian Penal Code, at Police Station City Narnaul, District Mahendergarh. (Offences punishable under Sections 467, 468 and 471 IPC were added later on).

Heard.

Allegations against the petitioner levelled in the FIR are that he is accepting rent from tenants of the premises which was owned by father of complainant. The other co-accused, namely, Pappu Saini has already been allowed bail vide order dated 19.03.2018 passed in CRM-M-4140-2018. In that order, one family settlement dated 19.07.2016 has also been relied upon.

Learned State counsel submits that petitioner has joined the

investigation and he is no more required for the purpose of further investigation of the case.

Learned counsel for complainant has, however, opposed the bail application on the ground that petitioner is accepting rent from tenants and has also got executed a rent note in his favour.

The dispute appears to be within the family and of civil nature. If tenants are paying rent to petitioner and complainant is owner of the demised premises, he can claim his right before the civil court or rent authorities.

Keeping in view above facts but without expressing any opinion on the merits of the case, this petition is allowed and order dated 19.03.2018 is made absolute till the presentation of challan, subject to the following terms:-

- (i) that the petitioner shall make himself available for interrogation by the police as and when required;
- (ii) that the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer;
- (iii) that the petitioner shall not leave India without the prior permission of the Court.
- (iv) that the petitioner will seek regular bail on the presentation of challan in Court.

May 11, 2018
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No