

**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

**CRM-M-16818-2018
Date of decision: 28.09.2018**

Madan and others

...Petitioners

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Ms. Nupur Chaudhary, Advocate
for the petitioners.

Mr. Himmat Singh, DAG, Haryana.

Mr. Madan Pal, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioners pray for grant of anticipatory bail in FIR No. 370 dated 25.05.2017, registered under Sections 120-B, 379, 406, 420, 467, 471 and 506 of the IPC at Police Station Samalkha, District Panipat.

The operative part of the order dated 24.04.2018, vide which the petitioners have been granted interim bail, is reproduced below:

“Learned counsel for the petitioners submits that before filing the criminal complaint under Section 156 (3) Cr.P.C. before the Illaqa Magistrate, the complainant has moved an application before the police and the same was duly inquired into and during the inquiry, an opinion of the Deputy District Attorney was also obtained, who has opined that complainant Bhagat Singh has lost elections from one Madan i.e. petitioner and thereafter, he is levelling serious allegations against him and the complainant could not place on record any document that the accused persons have hatched a conspiracy or theft of

the record of the society or prepared some forged record. Accordingly, it was held that no cognizable offence is made out. Said opinion of the DDA (Annexure P-8) was approved by the DSP, Samalkha on 04.05.2017 (Annexure P-9). All these facts were concealed in the complaint forming basis of FIR. Learned counsel for the petitioners further submits that as per the allegations in the FIR, the complainant alleges that the petitioners/accused, by manipulating the record of the education society, have become life members and there is no proper resolution for making them life members. It is further submitted on behalf of the petitioners that even the State Registrar of Societies, Haryana, in an appeal filed by the complainant, vide order dated 22.09.2017 (Annexure P-6), has upheld that the petitioners/accused were rightly included in the voters' list, as they were the life members and had right to vote, therefore, the matter is of civil nature and the petitioners are exercising their rights as per the provisions of the Haryana Registration and Regulation of Societies Act, 2012. It is also submitted that the complainant has even filed a civil suit challenging the election of petitioner and same is pending before Civil Court at Panipat. Learned counsel for the petitioners further submits that during pendency of the application before the Additional Sessions Judge, the petitioners have joined the investigation, however, later on, the same was dismissed.”

Learned counsel for the petitioners submits that the petitioners, in pursuance to the order dated 24.04.2018, have already appeared before the SHO/Investigating Officer and have joined the investigation.

Learned counsel for the State, on instructions from ASI Satish Kumar, assisted by learned counsel for the complainant, has not disputed the factual position and submits that though the petitioners have joined the

investigation, however, some receipts still need to be recovered.

Considering the fact that the litigation between the parties has already been decided by the Registrar, Cooperative Societies and the matter is of civil nature, the petition is allowed and the interim bail granted to the petitioners, vide order dated 24.04.2018, is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

September 28, 2018

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No