

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

**CRM-M No.17283 of 2018
Decided on: 18.08.2018**

Krishan Kumar and another

....Petitioners

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Ashish Bansal, Advocate
for the petitioners.

Mr. Himmat Singh, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioners pray for grant of anticipatory bail in FIR No.147 dated 03.03.2018 registered under Sections 323, 379, 427, 452 IPC at Police Station Sector 5, Panchkula.

The operative part of the order dated 26.04.2018, vide which interim anticipatory bail has been granted to the petitioners, is reproduced as under:-

“Counsel for the petitioners has submitted that the complainant is the real brother of the petitioners and there is a long drawn civil and criminal litigation between them. It is further submitted that the complainant had filed a civil suit praying for decree of possession and recovery of damages/mesne profits in the year 2007 which was decreed in his favour in 2013. Thereafter, in execution proceedings, the complainant succeeded in obtaining the possession of the entire house whereas the decree was part of the house and in this regard, the petitioner has already filed Civil Revision No.1566 of 2018 which is pending before this Court.

Counsel for the petitioners has further argued that

even on an earlier occasion, the complainant has filed a complaint before the Judicial Magistrate Ist Class, Panchkula in the year 2010 and after facing the full length trial, the petitioner and others were acquitted vide judgment dated 27.03.2013. It is also submitted that as per the allegation in the FIR, the dispute primarily is with regard to taking the possession of the house in dispute and the petitioners are taking recourse to their legal remedies available under the law.

Notice of motion for 18.08.2018.

In the meantime, the petitioners are directed to join investigation within a period of 10 days and they shall be released on interim bail subject to the following conditions:-

- 1. They shall make themselves available for interrogation by a police officer as and when required;*
- 2. They 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; and*
- 3. They shall not leave India without previous permission of the Court.”*

Counsel for the petitioners submits that the petitioners, in pursuance to the order dated 26.04.2018, have already appeared before the Investigating Officer and have joined the investigation.

Counsel for the State, on instructions from HC Sanjiv Kumar, has not disputed the factual position and submits that the petitioners have joined the investigation and are no more required for any further investigation.

In view of the above, the petition is allowed and the interim bail granted to the petitioners vide order dated 26.04.2018 is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

(ARVIND SINGH SANGWAN)
JUDGE

18.08.2018

yakub

Whether speaking/reasoned

Yes/No

Whether reportable:

Yes/No