

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

CRM-M-25713 of 2018 (O&M)

Date of Decision:17.07.2018

Anjni Kumar @ Kaul and othersPetitioners

Vs.

State of Haryana

.....Respondent

CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. S.K. Tripathi, Advocate
for the petitioners.

Mr. Vikas Malik, DAG, Haryana.

Mr. Jaivir Yadav, Advocate for
the complainant.

Rajbir Sehrawat, J.(Oral)

The present petition has been filed by the petitioners under Section 438 of Cr.P.C for grant of anticipatory bail in case FIR No.164 dated 05.04.2018 registered under Sections 323, 343, 365, 379B, 506/34 IPC and Sections 384/386/120-B IPC (Sections 25/54/59 of Arms Act added later on) at Police Station Mahendergarh, District Mahendergarh.

Counsel for the petitioners submits that co-accused of the petitioners have already been granted the concession of anticipatory bail by a Co-ordinate Bench of this Court. He further submits that in fact there is an agreement to sell executed by the complainant in favour of petitioner No1. As an attempt to deny that agreement, the alleged case has been created by the complainant.

Learned State Counsel, being assisted by learned counsel for the complainant, on instructions from ASI Kapoor Singh submits that there is another case registered against petitioner No.1- Anjni Kumar @ Kalu i.e.

FIR No.106 dated 21.03.2018 under Sections 149,148,420,423, 467, 471

and 120-B IPC, involving him in the offence of fraud. It is further contended that the mobile phone of the complainant has also been snatched. Therefore, the petitioner do not deserve any indulgence from this Court.

The alleged sale deed which is stated to have been fabricated in this case by abduction of the complainant, is only in the name of petitioner No.1. The case of petitioners No.2 and 3 appears to be at par with the case of co-accused Ram Avtar who has been granted benefit of anticipatory bail by this Court.

In view of the above, without commenting upon the merits of the case, the present petition is allowed qua petitioner No.2 – Vikas Kumar @ Munshi and petitioner No.3- Rajesh Kumar. It is ordered that in case they are arrested in the present FIR then they shall be released on bail by the Investigating Officer on their furnishing bail bonds/ sureties to the satisfaction of the Arresting Officer. However, it is further directed that the petitioners No.2 and 3 shall join the investigation as and when so required by the Investigating Officer. They shall further comply with the conditions stipulated in Section 438(2) Cr.P.C.

However, qua petitioner No.1, this Court does not find any ground to interfere for the purpose of granting anticipatory bail to him. Qua petitioner No.1, the present petition is dismissed.

July 17, 2018
renu

(RAJBIR SEHRAWAT)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No