

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Date of decision: 14.12.2018

1. CRM-M-25784-2018 (O&M)

Surinder Kumar

... Petitioner

Vs.

State of Haryana

... Respondent

2. CRM-M-24873-2018 (O&M)

Sushil Kumar

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Brijender Kaushik, Advocate
for the petitioners.

Mr. Naveen Sheoran, DAG, Haryana.

Mr. Sudhir Rana, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J. (ORAL)

This order shall dispose of aforementioned two petitions praying for grant of anticipatory bail to petitioners Surinder Kumar and Sushil Kumar in FIR No.197 dated 28.04.2018 under Sections 420, 120-B IPC, registered at Police Station Baldev Nagar, Ambala City, Haryana.

On 13.06.2018, while granting interim bail to petitioner Surinder Kumar, following order was passed by this Court: -

“.....Counsel for the petitioner has submitted that the petitioner had sold 50 sq. yds. of the land to one Sushma Rani vide sale deed dated 05.04.2016. Later on, Sushma Rani, while raising the construction has encroached upon the land of the complainant and the land sold by the petitioner is still lying vacant at the spot. It is further submitted that Sushma Rani, who has raised the construction, has not been arrayed as an accused so far.

Counsel for the petitioner has also submitted that while executing the sale deed, the description of the land by mentioning the khasra numbers as well as the measurement by giving the boundaries have been duly defined in the sale deed. It is further submitted that the co-accused of the petitioner namely Sushil Kumar, has already been granted the concession of interim anticipatory bail vide order dated 01.06.2018 passed in CRM-M No.24873 of 2018.....”

Thereafter, the parties represented that the matter be referred to the Mediation and Conciliation Centre of this Court, as the primary dispute between the petitioners and the complainant, is regarding sale of plot to one Sushma Rani, which is still lying vacant and she had constructed the house on the plot of the complainant.

Both petitioners Surinder Kumar and Sushil Kumar have recorded their common statement before the Mediator that they will not create any third

party rights over 50 square yard plot situated in the residential area, comprising in Khasra No.17//14/1/2, 17/2/1, total land measuring 03 kanals, 08 marlas, revenue estate of Patti Khurampur Majri, Tehsil and District Ambala, bounded as North: Plot No.10,30 feet, South : Plot No.9,30 feet, East : Passage 15 feet, West : Land of another person, 15 feet, which was sold to Sushma Rani. It is further stated that as per their knowledge, no litigation was pending on the date when the sale deed dated 05.04.2016 was executed in favour of Sushma Rani.

Learned State counsel, on instructions from the Investigating Officer, submits that both the petitioners have joined the investigation and are no more required for further investigation.

Learned counsel for the complainant has however submitted that the amicable settlement cannot be arrived at, as some civil litigation is pending between the parties.

Considering the statement made by petitioners Surinder Kumar and Sushil Kumar before the Mediator, which shall be binding on them, the orders dated 13.06.2018 passed in CRM-M-25784-2018 and the order dated 01.06.2018 passed in CRM-M-24873-2018 are made absolute subject to the conditions envisaged under Section 438 (2) Cr.P.C.

[ARVIND SINGH SANGWAN]
JUDGE

14.12.2018
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No