

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

CRM-M-31950 of 2018(O&M)

Date of Decision: 10.10.2018

Ramesh

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: - Mr. Rahul Jaswal, Advocate,
for the petitioner.

Mr.R.K. Makkad, DAG, Haryana.

RAJ SHEKHAR ATTRI, J. (ORAL)

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.30 dated 11.01.2018, registered under Sections 120-B, 148, 149, 420, 427, 447, 467, 468, 471 IPC and later on added Sections 379-A, 365, 506 and 511 IPC, at Police Station Samalkha, District Panipat.

The allegations as mentioned in the FIR are as under:-

“The applicant is permanent resident of Devli Village, Delhi and on dated 17.10.2017, son of real uncle (tau) of the applicant, namely Praveen Bhardwaj, son of Ram Rattan Sharma. Prop of PNBK Developers Pvt. Ltd., resident of Raju Park Devli Delhi has obtained the possession of a plot area measuring 3125 sq. yards situated at ward no.8 Kaliramna Mohalla, Samalkha, Distt. Panipat at the spot after purchasing it from Smt. Kanta Devi, wife of Shri Kanwarbhan, son of Shri Kali Ram, resident of Samlakha and on the same date the levelling work was going on after engaging the labour. This work was being carried out by our supervisor

Shokender, son of Nahar Singh that on 30.12.2017 at about 1-1/2 hours when our supervisor Shokender son of Nahar Singh was working the leveling work with two labourers running the roller, then three-four persons armed with weapons came in a Maruti Swift VDI bearing registration No.HR60E-1949 came on the spot and started quarrel after abusing our labours, our supervisor Shokender and road roller driver Prem Singh. They forcibly broke the front wall forcibly and with the aid of weapons forcibly pushed the supervisor Shokender and made him to sit in the car bearing registration No.HR60-E-1949 and closed the door. At the spot number of persons gathered. The said car was being driven by driver Ankur, son of Ramesh, caste Jat, resident of Kalirama Panna, Samalkha and after pushing Shokender forcibly inside the car Sandeep took a desi katta (revolver) from his pocket of trouser and put the same on the ears of our employee Shokender and while searching, they forcibly snatched Rs.1.50 lakh which was given to him for carrying out the work. Their uncle Joginder, son of Raghbir, Neeraj, son of Joginder and their father Ramesh son of Daya Nand, residents of Smalakha, carrying farsa like weapon, were also standing around the car. At the spot Kanwarbhan also came from the side of his fields and threatened our employees by saying that the registry of this plot has been done in the name of Sandeep, son of Ramesh and if anybody tried to raise construction, they will kill them. This all incident was told to me by my supervisor on phone and due to fear he proceeded to his village Sisoli, Distt. Muzaffarnagar, U.P. on yesterday after closing the work at the spot. Today I on dated 31.12.2017, reached here at Samlakha and

contacted the previous owner of this land namely Kanwarbhan, son of Kali ram, then he told me that the accused Ankur by making false witnesses and by forging the signatures of some persons of the village got false verification made from the accused Rajkbir, son of Munshi Ram, Nambardar, Samalkha in collusion with Local Patwari Naveen Kumar and on the basis of the said false, forged ownership and possession misled the Sub Registrar, Samalkha and the registry staff and made forged and fabricated registry vide vasika No.1976/1 dated 16.11.2017 for an area measuring 700 sq. yards situate on some part of front of our plot i.e. 7. ft. 90 ft. in the name of his brother Sandeep, son of Ramesh from her grandfather Dayanand, son of Jage Ram and on the basis of this forged registry by fraudulent means, the above said accused Sandeep, Ankur sons of Ramesh and Ramesh son of Dayanand want forcible possession on our purchased land. Therefore, I would request that the legal action be taken by registering the case and the matter be investigated for the offence of cheating, fraud, forgery and fabrication of false and duplicate documents and the money which was snatched from our supervisor Shokender by extending him beatings be got recovered.”

Heard.

The petitioner was armed with a farsa i.e. instrument of cutting, which was recovered from him. The trial of the case will take long time. No useful purpose will be served by keeping the petitioner behind the bars.

Without expressing any opinion on merits of the case and keeping in view the fact that conclusion of trial will take considerably long time, the present petition is allowed. Petitioner Ramesh is ordered to be

released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate, subject to following terms:-

- (a) The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel his bail bond and surety bond and proceed to procure his presence in accordance with law. In that eventuality the petitioner shall have to apply for bail afresh.
- (c) He shall not leave the country without the previous permission of the Court.

10.10.2018

monika

(RAJ SHEKHAR ATTRI)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No