

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

Decided on: 12.07.2018

1. CRM-M No.35366 of 2017

Sanju

....Petitioner

Versus

State of Haryana

....Respondent

2. CRM-M No.35399 of 2017

Bimla

....Petitioner

Versus

State of Haryana

....Respondent

3. CRM-M No.35393 of 2017

Sarita

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Abhishek Yadav, Advocate
for the petitioner (in all the petitions)

Mr. Himmat Singh, DAG, Haryana.

Ms. Harshita, Advocate
for Mr. J.P. Jangu, Advocate
for the complainant (in all the petitions)

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner namely Sanju, Bimla and Sarita, prays for
grant of anticipatory bail in FIR No.88 dated 04.09.2017, registered
under Sections 294, 323, 452, 506 read with Section 34 IPC at Police

Station Jatusana, District Rewari.

On 06.10.2017, the following order was passed by this

Court:-

“Prayer in the present petitions is for grant of anticipatory bail to the petitioners in case FIR No. 88 dated 4.9.2017 under Sections 294, 323, 34, 452, 506 IPC, registered at Police Station Jatusana District Rewari, Annexure P-1.

Learned counsel for the petitioners submits that a partition petition is pending qua the land on which complainant has constructed a school and Rai Singh- husband of the petitioner- Bimla is respondent No. 22 in this application whereas Shri Niwas who is arrayed as respondent No. 48 is the husband of the complainant- Punam Yadav. It is further submitted that the co-accused Sarita and Sanju are the daughters-in-law of petitioner- Bimla. He further submits that on account of partition proceedings as well as the dispute regarding the possession over the land, petitioners have been falsely implicated in the present case.

On the other hand, learned State counsel, on instructions from ASI Rajesh Kumar, assisted by learned counsel for complainant, submits that petitioners be directed joined the investigation.

List on 23.12.2017.

In view of the said fact, petitioners are directed to join investigation on 23.10.2017 at 10.00 A.M or any other date fixed by the Investigating Officer.

In the meantime, arrest of the petitioners shall remain stayed subject to the conditions mentioned below, as envisaged in Section 438(2) Cr.P.C :-

- 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 them 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.

A photocopy of this order be placed on the connected files.”

Counsel for the petitioner has submitted that, thereafter, the petitioners have joined the investigation twice and appeared before the Investigating Officer.

Counsel for the State, on instructions from ASI Krishan Kumar and on the basis of the affidavit of ASI Hardesh Kumar/Investigating Officer has submitted the complainant has moved another application dated 13.10.2017 against the petitioner with regard to non-supply of water of the school and the CCTV footage with regard to the incident is also taken.

The parties are *ad idem* that the proceedings for partition of the joint land between the parties is still pending.

In view of the same, this petition is allowed and the order dated 06.10.2017 is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

However, liberty is granted to the Investigating Officer to apply for cancellation of bail of the petitioners namely Sanju, Bimla and Sarita, if they are found involved misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

12.07.2018
yakub

Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No