

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-35596-2017(O&M)

Date of Decision: 24.01.2018

Sandeep Kamboj

--Petitioner

Versus

State of Haryana

--Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Ms. Bhawna, Advocate for
Mr. Pratham Sethi, Advocate for the petitioner.

Mr. Deepak K. Grewal, D.A.G., Haryana.

TEJINDER SINGH DHINDSA.J (Oral)

This order shall dispose of the present petition filed under Section 438 Cr.P.C praying for the grant of anticipatory bail to the petitioner in case F.I.R. No.400 dated 6.8.2017 under sections 448, 452, 506 I.P.C (sections 379 and 34 I.P.C were added later on) registered at Police Station, Rai, District Sonapat.

Counsel for the parties have been heard.

FIR came to be registered on the statement of Dalip Kumar. Complainant asserted that he had purchased a particular factory from P.N.B, Kundli Branch through auction and the possession of the same was also taken. With regard to the same very factory one civil litigation was going on with Suresh Kumar i.e. father of the present petitioner. Precise allegations are that Suresh Kumar in an attempt to take possession of the factory has broken the locks and has thrown away certain material/articles.

While issuing notice of motion, the following order was passed by this Court on 22.9.2017:-

“It is inter alia contended that it is a pure property dispute and that the complainant has falsely lodged FIR against the petitioner who is a judgment debtor over the property so sold in auction.

Notice of motion for 24.01.2018.

Meanwhile, in the event of arrest, the petitioner be admitted to interim bail on his furnishing bail bonds to the satisfaction of arresting/Investigating Officer; that he will join investigation and will abide by conditions as envisaged under Section 438(2) Cr.P.C.”

Learned State counsel upon instructions from ASI Suresh Kumar apprises the Court that the petitioner has duly joined investigation and even the challan has been presented before the competent court against Suresh Kumar as also the present petitioner.

It may further be noticed that in the FIR itself the allegations are against only Suresh Kumar, who was arrested and then granted regular bail. The present petitioner was implicated on the strength of a supplementary statement recorded of the complainant.

In view of the discussion herein above, present petition is allowed. The order dated 22.9.2017, passed by this Court, is made absolute.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

24.01.2018
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Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No