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

CRM-M No.4140 of 2018

Date of Decision: 19.03.2018

Pappu Saini

.....Petitioner

Vs

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. J.P. Sharma, Advocate
for the petitioner.

Mr. Munish Dev Sharma, AAG, Haryana.

Mr. H.P.S. Ghuman, Advocate
for the complainant.

RAJ MOHAN SINGH, J.(Oral)

On 01.02.2018, following order was passed:-

“Learned counsel for the petitioner contends that father of the complainant namely Ashok Kumar was the real brother of Dalip and Lalit. Father of the complainant died on 30.12.2013 and a family settlement arrived at on 19.07.2016, whereby properties were partitioned. A dispute arose between the family members for which Civil Suit No.33 of 2017 was filed by Bua's of the complainant. Petitioner started paying rent to his uncle. Dispute is with regard to the receipt of amount of rent only.

Notice of motion for 19.03.2018.

In the meanwhile, petitioner is directed to appear before the SHO/Investigating Officer to join

investigation on 05.02.2018 and in the event of his arrest, he shall be enlarged on ad interim bail, subject to the satisfaction of Arresting Officer. However, petitioner shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.”

Learned counsel for the petitioners submitted that in view of family settlement dated 19.07.2016, the petitioner started making payments of rent to Lalit Kumar who had sent the legal notice to the petitioner. A dispute arose between the family members in respect of entitlement qua the land in question which is pending in the civil Court where the stand of the complainant in reply to the application for stay would be debatable as to the status of settlement dated 19.07.2016.

At this stage, this Court cannot comment upon the validity or otherwise of the settlement dated 19.07.2016 which is subjudice in the civil proceedings.

Learned State Counsel on instructions from ASI Satish Kumar submitted that petitioner has already joined the investigation and is no more required in further investigation of the case.

In view of above, order dated 01.02.2018 is made absolute.

March 19, 2018

Prince

Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No