

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-7584-2019 (O&M)

Date of decision: 03.05.2019

Manish Kumar and another

... Petitioners

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. N.S. Shekhawat, Advocate
for the petitioners.

Mr. Himmat Singh, DAG, Haryana.

Mr. G.S. Sandhu, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of anticipatory bail in FIR No.301 dated 28.10.2018 under Sections 148, 149, 323, 325, 420, 506 IPC, registered at Police Station Pinjore, District Panchkula.

While granting interim bail to the petitioners, following order was passed by this Court on 20.02.2019 :-

“Counsel for the petitioners has submitted that petitioner No.1 is a partner of firm i.e. M/s. Shanaya Builders and Developers, Panchkula and petitioner No.2 is his brother. It is further submitted that the firm has purchased some land out of Khasra Nos.1136/964 (1-15), 1138/963 (1-15), 1139/963 (1-11) vide sale deed dated 07.08.2015 and some other land was also purchased

on 24.08.2015, arising out of the aforesaid Khasra numbers and the possession was handed over to the firm by the seller and the mutation has also been sanctioned in favour of the firm.

Counsel for the petitioners has further argued that Amarnath Bansal also purchased some land in Khasra Nos.1109/958 (2-3) and 1093/958 (0-15) measuring 1 Bigha 18 Biswas 13 Biswanis being 2/3rd share out of the total land measuring 02 Bighas 18 Biswas on 31.05.1991 and this land is different from the land purchased by the firm. It is further submitted that, thereafter, the demarcation was also obtained by the firm on 06.10.2015 through the Field Kanungo and the situation/location of the land of the firm is on the other side of the road in front of the land of the aforesaid Amarnath Gupta and others.

Counsel for the petitioners has further submitted that the complainant – Budh Ram in collusion with Amarnath Gupta and others got another demarcation of the land and have filed a suit for permanent injunction against the other partners of the firm namely Parmod Chander and Rajeev Bhateja, which is pending before the Civil Judge, Kalka. It is also submitted that prior to the present FIR, another FIR No.243 dated 22.07.2016 under Sections 447, 379 and 511 IPC Police Station Pinjore was registered by Amarnath Gupta against the other 02 partners and they were granted anticipatory bail by the trial Court and they are facing the trial.

It is lastly, argued by counsel for the petitioners that now the complainant in order to take possession of the land of the petitioners has got the present FIR registered and no such incident has taken place and the remedy, if any, lies in the Civil Court.”

Learned counsel for the petitioners submits that in pursuance of the aforesaid order, petitioners have joined the investigation and are not required for any further investigation.

Learned State counsel, on instructions from SI Brij Pal, has not disputed the factual position and states that the petitioners are no more required for any further investigation.

In view of the above, this petition is allowed and the interim bail granted to the petitioners vide order dated 20.02.2019 is made absolute subject to the conditions envisaged under Section 438 (2) Cr.P.C.

[ARVIND SINGH SANGWAN]
JUDGE

03.05.2019
vishnu

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No