

In the High Court of Punjab and Haryana at Chandigarh

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CRM-M-9682-2019 (O & M)

Date of Decision: 01.05.2019

JYOTI OHARI AND OTHERS

.....PETITIONERS

VERSUS

STATE OF HARYANA

....RESPONDENT

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Ms. Deepa Singh, Advocate for the petitioners.

Ms. Tanisha Peshawaria, DAG, Haryana.

Mr. Rajeev Kumar Gupta, Advocate for the complainant.

ANUPINDER SINGH GREWAL, J (ORAL)

The petitioners are seeking anticipatory bail in FIR No.57 dated 15.02.2019, under Sections 323, 34, 380, 448, 457 and 506 IPC, registered at Police Station Sector-5, District Panchkula.

The petitioners No.1 is stated to be widow of late Surinder Kumar Ohari; petitioner No. 2 is the son of late Surinder Kumar Ohari from his previous marriage and petitioner No.3 is the brother of petitioner No.1. The complainant is the sister-in-law of petitioner No.1 being the wife of brother of late husband of petitioner No.1.

Learned counsel for the petitioners contends that FIR is an outcome of a dispute between the families with regard to the property owned jointly by them after the demise of husband of petitioner No.1. The allegations against the petitioners are that they have removed household articles including

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table, chairs, gold and jewellery after breaking open the lock. He also contends that the petitioners have also filed a civil suit for injunction restraining the complainant and others from interfering with the possession of petitioner No.1 and her son wherein the Civil Court has directed the parties to maintain status quo.

A coordinate Bench of this Court, by the order dated 01.03.2019, had directed the petitioners to appear before the Investigating Officer and join the investigation and in the event of their arrest, they were ordered to be released on ad-interim bail to the satisfaction of the Investigating/Arresting Officer, subject to the conditions envisaged under Section 438(2) Cr.P.C.

Learned State counsel, on instructions from SI Mohan, states that the petitioners have joined investigation but the stolen articles are yet to be recovered from them.

Learned counsel for the complainant has also vehemently opposed the grant of bail to the petitioners.

In view of the submissions of learned counsel for the petitioners and keeping in view the fact that the petitioners have joined investigation, the order dated 01.03.2019 granting interim bail to the petitioners is made absolute.

However, the petitioners shall abide by the conditions stipulated under Section 438(2) Cr.P.C. They shall also join investigation as and when called upon to do so.

The petition stands disposed of.

(ANUPINDER SINGH GREWAL)
JUDGE

May 01, 2019
A.Kaundal