

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-17495-2019

Date of decision: 10.05.2019

Bhagwani and another

... Petitioners

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: None for the petitioners.

Mr. Himmat Singh, DAG, Haryana.

Mr. Manoj Kaushik, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of anticipatory bail in FIR No.33 dated 28.01.2019 under Sections 406, 420, 465, 34 IPC, registered at Police Station City Jhajjar, District Jhajjar.

While granting interim bail to the petitioners, following order was passed by this Court on 22.04.2019 :-

“Counsel for the petitioners has submitted that as per the allegations in the FIR, the common ancestor of the parties namely Chotu was in possession of some agricultural land in the capacity of gair marusi. The land was later on, acquired by the Government and while disbursing the compensation amount, the petitioners along with others have furnished a certificate in which the following 02 paragraphs were mentioned:-

“3. That in the above said land Chotu son of Harphool (our father and grandfather) was Gair Morusi. We all are his legal heirs and there is no other legal heir.

4. That we want to take the compensation of the above said land. If there will be any kind of dispute in future then we will not hesitate to deposit this money back.”

Counsel for the petitioners has, thus, submitted that the averments made in para 3 of the affidavit was based on the Jamabandi for the year 2009-10 where only the names of Gulab Singh and Shyam Singh sons of Chotu were mentioned and in para 4, it is stated that in case of any dispute in future, they will deposit the money back. It is, thus, submitted that primarily, it is a civil dispute regarding apportionment of the compensation amount and the complainant has a remedy to approach the competent authority.”

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

Learned State counsel, on instructions from SI Suraj, 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 22.04.2019 is made absolute subject to the conditions envisaged under Section 438 (2) Cr.P.C.

[ARVIND SINGH SANGWAN]
JUDGE

10.05.2019

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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No