

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

CRM-M-41485-2018
Date of decision:18.09.2019

SHIV KUMAR BOHRA AND ANR

....Petitioners

Versus

STATE OF HARYANA

.....Respondent

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr. Sanjiv Kumar Aggarwal, Advocate
for the petitioners.

Ms. Aditi Girdhar, AAG, Haryana.

GURVINDER SINGH GILL, J. (ORAL)

1. The petitioners seek grant of anticipatory bail in respect of FIR No.269 dated 15.8.2018 under Sections 323, 354 & 506/34 of the Indian Penal Code, Police Station City Gurugram.
2. The FIR was registered at the instance of Manju wherein it has been alleged that they have a property situated in Roshan Pura, Sadar Bazar, District Gurugram, which is in the nature of a joint property regarding which a stay order is operating. It is alleged that on 14.8.2018, Shiv Kumar Bohra, Paras Bohra, Kaushal Bohra accompanied by 5-7 persons came to the aforesaid property and started raising construction. When the

complainant objected to the same, they started abusing her and also gave beatings to her. It is further alleged that during the course of said beatings, gold ornaments i.e. one gold chain, '*Kundal*' and '*Karras*' worn by her were snatched by them and they also touched her private parts.

3. Learned counsel for the petitioners has submitted that the petitioners have falsely been implicated in the present case merely on account of the fact that there was a dispute with regard to some property amongst the parties who are *inter se* related. It has further been submitted that the petitioners had never attempted to forcibly dispossess the complainant or had ever given any beatings as alleged in the FIR.
4. Opposing the petition, learned State counsel has submitted that in view of the fact that the petitioners are specifically named in the FIR, no case for grant of anticipatory bail is made out.
5. I have considered rival contentions addressed before this Court. Keeping in view the fact that the dispute apparently appears to be pertaining to some joint property, the possession of which is stated to be in dispute, in my opinion, present case is not such a case which would warrant custodial interrogation. Accordingly the petition is accepted and the interim directions issued vide dated 20.09.2018 by this Court are hereby made absolute subject to the condition that the petitioners would appear before Investigating Officer as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.
6. It is, however, clarified that none of the observations made above shall be

construed to be an expression on merits of the main case.

7. The petitioners are however, advised not to take any step to dispossess the complainant in case the petitioners are not in possession over the property in question.

18.09.2019
Gaurav Sorot

(GURVINDER SINGH GILL)
JUDGE

Whether reasoned / speaking? **Yes / No**

Whether reportable? **Yes / No**