

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-27115 of 2019
Date of Decision: 02.07.2019

Lal Chand

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Adarsh Jain, Advocate
for the petitioner (s).

Mr. Munish Sharma, AAG, Haryana.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.38 dated 15.02.2019 registered for offences punishable under Sections 109, 188, 380, 447, 448, 452 and 506 of Indian Penal Code (for short, "IPC") at Police Station Tigaon, District Faridabad.

Heard.

FIR in this case was registered on the statement of Raj Kumar son of Jagdish Chand, wherein he has alleged that he was given possession of agricultural land and rooms constructed over it under the Court orders. The petitioner also made statement in the court on 20.12.2018 that he has no concern with the land, house and articles lying there. On 12.02.2019, complainant found that petitioner Lal Chand, his wife, son and daughter-in-law have entered his fields and stolen dung cakes lying there. The locks of the house were found broken. When he enquired this matter from petitioner, he (petitioner) threatened him.

The petitioner was arrested on 29.05.2019 and is in custody

since then.

Learned State counsel submits that no recovery was effected from the petitioner and the matter is still under investigation.

Learned counsel for the petitioner submits that the petitioner is 75 years of age and present FIR is result of civil litigation between the parties. His custodial interrogation is no more required by the police, as such, he may be allowed benefit of regular bail.

Keeping in view age of the petitioner and nature of allegation levelled against him and the fact that presentation of challan and then conclusion of trial will take considerably long time, but without expressing any opinion on merits of the case, the present petition is allowed. Petitioner- Lal Chand is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate, subject to following terms:-

- (a) The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel his bail bond and surety bond and proceed to procure his presence in accordance with law. In that eventuality the petitioner shall have to apply for bail afresh.
- (c) He shall not leave the country without the previous permission of the Court.

July 02 , 2019
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(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No