

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-27301-2019 (O&M)
Date of decision: 19.11.2019

Jagdish and others

... Petitioners

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Ashish Aggarwal, Sr. Advocate with
Mr. Parunjeet Singh, Advocate
for the petitioners.

Mr. Naveen Sheoran, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of anticipatory bail in FIR No.388 dated 09.06.2019 under Sections 447 & 511 IPC and Sections 3 & 4 of the Prevention of Damage to Public Property Act, 1984, registered at Police Station Gharaunda, District Karnal.

While granting interim bail to the petitioners, following order was passed by this Court on 26.06.2019: -

“...Learned senior counsel, inter alia, contends that with regard to land in dispute, a civil litigation is already pending and in RSA No. 4922 of 2014, on 15.03.2016, status quo order was passed.

Learned senior counsel further submits that thereafter, an application was moved for modification of the aforesaid order which was dismissed on 21.03.2017 and thereafter, when an

execution application was filed before the civil court, the concerned Forester from the office of District Forest Officer had appeared and made a statement that they will not take the possession except in due course of law.

Learned senior counsel further submits that aforesaid RSA is pending for 19.11.2019 and the present FIR has been registered with the allegation that the petitioners have allegedly violated the order of the court.

It is further submitted that even if there is a violation of the status quo order, the complainant has a right to file a contempt petition and, therefore, it will be a debatable issue whether any offence is made out or not....”

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

Learned State counsel, on instructions from ASI Rajender, 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 26.06.2019 is made absolute subject to the conditions envisaged under Section 438 (2) Cr.P.C.

[ARVIND SINGH SANGWAN]
JUDGE

19.11.2019
vishnu

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No