

204-2

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

CRM-M-27693 of 2019

Date of decision: August 27, 2019

Manoj Bhadana

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. J.S. Dhaliwal, Advocate for
Mr. Bhupinder Ghai, Advocate for the petitioner.

Mr. Rahul Mohan, DAG Haryana.

Mr. Jagjit Singh, Advocate for the complainant.

MAHABIR SINGH SINDHU, J (Oral)

Present petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 (for short 'Cr. P.C.') for grant of anticipatory bail to the petitioner, in FIR No.279 dated 14.05.2019, under Section 447 of Indian Penal Code, 1860 and Sections 3-33-89 of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short 'Act'), registered at Police Station Suraj Kund, Faridabad.

As per prosecution case, petitioner along with Hari Bhadana had forcibly taken over the possession of land pertaining to Balmiki community.

On 03.07.2019, while issuing notice of motion, this Court has passed the following order:-

“Learned counsel for the petitioner submits that the co-accused has filed a petition before this Court bearing CRM-M No.27286 of 2019 titled as “Hari Bhadana vs. State of Haryana”, in which notice of motion has been issued for 24.07.2019. Further contends that allegations are regarding encroachment on land and civil suit is already pending between the parties.

Notice of motion for 24.07.2019.

In the meanwhile, the petitioner is directed to join the investigation before the Investigating Officer. In the event of his arrest, the Arresting Officer would admit him to interim bail till the next date of hearing on his furnishing adequate bail and surety bonds to his satisfaction. The petitioner is also directed to abide by all the conditions as envisaged under Section 438(2) Cr.P.C.

To be heard along with CRM-M No.27286 of 2019.”

Learned State counsel, on instructions from Assistant Sub Inspector Mahavir has apprised the Court that in terms of order dated 03.07.2019, petitioner has joined investigation and his custodial interrogation is not required.

Since a civil suit is already pending between the parteis and there are allegations of encroachment of some piece of land, thus, *prima-facie*, provisions of Section 18 of the Act, would not be attracted.

In view of the above, order dated 03.07.2019 granting interim bail to the petitioner, is made absolute subject to the provisions of Section 438(2) Cr. P.C.

Petition stands disposed off, accordingly.

However, it is made clear that the petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.

The above observations may not be construed as an expression of opinion on the merits of the case.

(MAHABIR SINGH SINDHU)
JUDGE

August 27, 2019

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Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No