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

**CRM-M-28239-2019
Date of decision-13.11.2019**

Rati Ram and another

...Petitioners

Vs.

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Bipan Ghai, Senior Advocate with
Mr. Ram Bilas Gupta, Advocate for the petitioners.

Mr. Sukhdeep Parmar, DAG, Haryana.

Mr. Deepinder Singh, Advocate for the complainant.

MANOJ BAJAJ, J. (Oral)

This petition has been filed by the petitioners under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No.368 dated 25.06.2019 under Section 420 read with Section 34 of Indian Penal Code, 1860 registered at Police Station Central, Faridabad, District Faridabad. The petitioners apprehended their arrest at the hands of Police.

Learned counsel for the petitioners has apprised that petitioner No.1 has expired and therefore, the petition qua petitioner No.1 is rendered infructuous.

Learned Senior counsel for the petitioner No.2 has invited the attention of the Court to the order dated 05.07.2019, whereby while issuing notice of motion to the respondent-State, the interim protection was

extended to the accused. The said order reads as under:-

“Learned Senior counsel for the petitioners contends that previously on the same set of allegations FIR No.318 dated 30.05.2019 under Sections 420 and 120-B IPC was registered at instance of Mohan Lal, Tehsildar, wherein the concession of anticipatory bail was extended to the petitioners by this Court through order dated 25.06.2019 (Annexure P-12). The present FIR No.368 was registered on 25.06.2019 under Section 420 read with Section 34 IPC at Police Station Central Faridabad, District Faridabad, on the same date when the interim bail was granted to the petitioners. It is further contended that the allegations pertain to the cancellation of GPA dated 13.01.1999 by way of alleged impersonation committed on 25.03.2019. He submits that the complainant never acquired the title of the property in question. According to him, the dispute between the parties is of civil nature and based upon documentary material, therefore, custodial interrogation of the petitioners may not be required.

Notice of motion for 13.11.2019.

Meanwhile, the petitioners shall join the investigation and would come present as and when called for and in the event of arrest, the petitioners shall be admitted to interim bail on their furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioners shall also abide by the conditions as specified under Section 438(2) Cr.P.C.”

Learned Senior counsel for petitioner No.2 further contends that in deference to the said order, the petitioner No.2 submitted himself before the Police and joined the investigation. According to him, petitioner No.2 cooperated with the Police Authorities during the investigation and furnished requisite bonds to the satisfaction of the Investigating Officer/Arresting Officer.

Learned State counsel who is assisted by ASI Sunil Kumar does not dispute this fact that petitioner No.2 has joined the investigation. Learned counsel on instructions from ASI Sunil Kumar further states that the petitioner No.2 is not required for custodial interrogation for the time being.

Learned counsel for the complainant has also opposed the

petition, however, it is not disputed that the allegations contained in FIR No.318 dated 30.05.2019 registered under Sections 420 and 120-B IPC are the same as in the present FIR No.368 dated 25.06.2019. It is also not disputed that the concession of pre-arrest bail has been extended to the accused in FIR No.318 dated 30.05.2019.

Considering above, petition is allowed qua petitioner No.2 and the interim bail granted by this Court vide order dated 05.07.2019 is made absolute.

(MANOJ BAJAJ)
JUDGE

13.11.2019
vanita

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No