

CRM-M-29314-2019

Date of Decision : 19.10.2019

Ashok Kumar and others

...Petitioners

Versus

State of Haryana

...Respondent

CORAM : HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present :- Mr. Rajiv Sharma, Advocate for the petitioners.

Ms. Monika Jalota, DAG, Punjab.

Mr. Kamal Choudhary, Advocate for the complainant.

HARNARESH SINGH GILL J. (Oral)This Court on 12th July, 2019 passed the following order :-

“Present petition under Section 438 Cr.P.C for seeking pre-arrest bail to the petitioners, namely Ashok Kumar and Manish in case FIR No.165, dated 25.06.2019, registered under Section(s) 385, 447, 448, 506 & 120-B IPC at Police Station Sarai Khawaja, Faridabad.

Learned counsel for the petitioners contended that the complainant had sold 100 square yards of plot to the petitioners for which full & final payment was made on the basis of agreement of sale dated 16.04.2018 and petitioners are in possession of the said plot. The matter is separately pending before the Civil Court wherein injunction order has been passed directing both the parties to maintain status quo regarding possession on the respective portion of the land. More so, petitioners are ready to join the investigation.

Notice of motion.

On asking of the Court, Mr. Ashis Sanghi, Deputy Advocate General, Haryana accepts notice on behalf of respondent, whereas Mr. Amit Arora, Advocate, who is present in the Court has put in appearance on behalf of the complainant and filed his power of attorney. A copy of paper-book be provided to them during the course of the day.

List on 04.09.2019.

Meanwhile, petitioners(s) are directed to join the investigation. In the event of arrest, petitioner(s) shall be released on interim bail to the satisfaction of the Investigating Officer. The petitioner(s) will join the investigation as and when called for and shall also abide by the conditions as specified under Section 438(2) Cr.P.C.”

Learned counsel for the complainant has vehemently argued that the complainant Ashish Munjal is a Senior Citizen and has been suffering from heart ailment. The complainant has constructed a boundary wall and also constructed a room which is having electrical connection and qua the said Plot demarcations had also been approved by HUDA. The complainant had sold 100 sq. yards plot to the petitioners vide full and final agreement dated 06.04.2018 but now wants to grab the entire plot.

In the present case, the petitioners have also filed a suit for specific performance (Annexure P-2) in which, the complainant Ashish Munjal is the defendant. The said suit is pending adjudication before the Civil Court. Since the civil dispute is between the parties and status quo order has been passed by Civil Court, regarding possession.

Learned State counsel on instructions from ASI Dinesh Kumar states that the petitioners has joined the investigation. He further states that the petitioner is not required for custodial interrogation for the time being.

Considering the above, the petition is allowed and the interim bail granted by this Court vide order dated 12th July, 2019 is made absolute.

(HARNARESH SINGH GILL)
JUDGE

19.10.2019
Manpreet

Whether speaking/reasoned Yes/No

Whether reportable Yes/No