

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

CRM-M-34846-2019
Date of decision: 02.09.2019

Dinesh Kumar and another

...Petitioners

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Ms. Navdeep Kaur, Advocate for
Mr. Keshav Pratap Singh, Advocate
for the petitioners.

Mr. Himmat Singh, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 195 dated 16.04.2019, registered under Section 379 IPC at Police Station Hodal, District Palwal.

Learned counsel for the petitioner submits that as per the allegations in the FIR, the petitioners have cut the wheat crop from the land in dispute and have taken away the same.

Learned counsel for the petitioners further submits that the petitioners have already filed a civil suit against the complainant party, in which the order of status quo was passed on 21.02.2017.

Learned counsel for the petitioners further submits that in the another suit, filed by the petitioners, an appeal is pending before the Additional District Judge.

Learned State counsel, on instructions from HC Shiv Kumar,

submits that the case is still at the stage of investigation as three more accused persons are yet to be arrested.

Learned State counsel further submits that even on an earlier occasion, in a similar way, the complainant has got registered one more FIR No. 81 with the allegations that the petitioners have cut his paddy crop, however, the petitioners are on bail in that case.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the fact that primary dispute between the petitioners and complainant is regarding possession of a land, for which a civil litigation is already pending between them and while granting status quo, the civil court itself could not ascertain as to who are in the possession of the land in dispute and also in view of the fact that the petitioners are no more required for any further custodial investigation; the instant petition is allowed. The petitioners are ordered to be released on regular bail on their furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

02.09.2019

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No