

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

203

**CRM-M-1425-2020 (O&M)
DATE OF DECISION: 16.12.2020**

MUNNI RAM

... Petitioner(s)

Versus

STATE OF HARYANA

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Lekhraj Sharma, Advocate for the petitioner.

Mr. Arun Beniwal, DAG, Haryana.

Mr. Pankaj Kaushik, Advocate for the complainant.

ANUPINDER SINGH GREWAL, J. (ORAL)

Heard through video conferencing.

A coordinate Bench of this Court on 20.01.2020 had passed the following order:-

“Through this petition under Section 438 Cr.P.C. prayer has been made for grant of anticipatory bail to petitioner – Munni Ram in case FIR No.906 dated 06.12.2019 registered under Sections 419, 465, 468, 471 IPC at Police Station Assandh, Karnal.

According to the prosecution, petitioner initially lodged FIR No.938 dated 17.11.2018 under Sections 307, 323, 324, 326, 506, 34 IPC at Police Station Assandh against his nephews Sushil @ Shila and Keshav, sister-in-law Shamo Devi, sons and wife of his elder brother Chander Bhan for causing him grievous injuries with intention to kill him.

During investigation of that case, Shamo Devi, sister-in-law of the petitioner, was declared innocent. Police after due investigation submitted final report under Section 173(2) Cr.P.C. only against two nephews of the petitioner, namely, Sushil @ Shila and Keshav, who were charge-sheeted accordingly.

During pendency of the trial, petitioner moved application under Section 319 Cr.P.C. to summon his sister-in-law Shamo Devi as additional accused, which after hearing was allowed vide order dated 26.07.2019. To counter said criminal case against her and her sons, Shamo Devi filed complaint under Sections 323, 354, 506, 379-A, 511 and 34 IPC before the Judicial Magistrate Ist Class, Karnal.

In preliminary evidence, in support of her allegations against the petitioner in aforesaid complaint, she examined one Ramesh Chander/Kumar as CW2, Clerk of the Chaudhary Charan Singh, Meerut, who deposed that LLB decree obtained by the petitioner was forged. On the basis of aforesaid statement, daughter-in-law of Shamo Devi lodged FIR No.906 dated 06.12.2019 under Sections 419, 465, 468, 471 IPC at Police Station Assandh, Karnal, against the petitioner.

Learned counsel for the petitioner inter alia contends that forged decree, if any, obtained by the petitioner has no concern with the complainant. Initially, petitioner had done LLB, but since his marks were less than 40%, so he was not permitted to be enrolled with the Bar Council of Punjab and Haryana. Thus, to meet out requirement for enrollment with the Bar Council of Punjab and Haryana, petitioner again completed BA and then LLB. Petitioner is not required for custodial interrogation, inasmuch as complainant, if had any grievance, she could make complaint to the Bar Council of Punjab and Haryana.

Strongly refuting above submissions, learned counsel for complainant has opposed the anticipatory bail application of the petitioner, urging that as per police report submitted before the Additional Sessions Judge by the Investigating Officer, petitioner is required for custodial interrogation to recover the forged decree and to know as to from where he obtained the same.

Notice of motion for 15.4.2020.

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

Learned State counsel, upon instructions from ASI Sandeep Kumar, states that the petitioner has joined the investigation and is not required for custodial interrogation.

Learned counsel for the complainant contends that in view of the serious allegations against the petitioner, he is not entitled to the concession of anticipatory bail.

Heard.

In view of the petitioner having joined investigation, the order dated 20.01.2020 granting interim bail to the petitioner is made absolute.

However, the petitioner shall abide by the conditions stipulated under Section 438(2) Cr.P.C. He shall also join investigation as and when called upon to do so.

The petition stands disposed of.

(ANUPINDER SINGH GREWAL)
JUDGE

16.12.2020

SwarnjitS

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No