

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

CRM No.14595 of 2020 in/and
CRM-M-9524 of 2020 (O&M)
Date of Decision: July 14, 2020

Manish Beniwal

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Nitin Meel, Advocate
for the petitioner.

Ms. Mahima Yashpal, DAG Haryana.

Mr. R.S. Malik, Advocate
for the complainant.

JAISHREE THAKUR, J. (Oral)

CRM-14595-2020

1. For the reasons mentioned in the application, the same is allowed. Hearing in the petition for grant of anticipatory bail is preponed and the same is taken up today.

CRM-M-9524-2020

1. The instant petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in FIR No.77 dated 11.02.2020, registered under Sections 380, 457, 506, 34 of Indian Penal Code at Police Station Samalkha, District Panipat.

2. Counsel for the petitioner would contend that the petitioner herein has been falsely implicated in the present case, as the allegations as set out in the FIR are not sustainable. It is argued that in fact, there is a family dispute with Balvinder Kaur, who is none other than an ASI with the State of Haryana and the controversy involved is purely of civil nature. However, the FIR has been lodged in an attempt to pressurize the petitioner to compromise the matter.

3. Notice of motion was issued in the matter, pursuant to which appearance has caused on behalf of the respondent-State as well as complainant.

4. Counsel appearing on behalf of the respondent-State as well as complainant opposes the grant of anticipatory bail to the petitioner. They would submit that there are total six cases pending against the petitioner on the similar allegations that he would use muscle to take illegal possession of properties of various persons. It is contended that the petitioner is an habitual offender and recovery of the household articles is yet to be effected from the petitioner.

5. Details of the FIRs pending against the petitioner have been placed on record by the respondent-State by way of affidavit of Pardeep Singh, HPS, DSP Samalkha, District Panipat, which is taken on record.

6. I have heard counsel for the parties and have gone through the pleadings of the case and details submitted by the respondent-State.

7. As per the contents of the FIR of the present case, on 24.01.2020 complainant-Virender purchased the house from Balvinder Kaur and took possession thereof. Some household articles of Balvinder

Kaur were there in the room on the first floor of the house and the complainant also shifted his household articles there. Thereafter, on 02.02.2020 when he came to his house, he came to know that the house has been broken by the accused and the household articles lying therein have been stolen. As disclosed by the respondent-State, besides the present case, there are five more cases pending against the petitioner, out of which in one case he has already been convicted. Recovery of the household articles is yet to be effected from the petitioner. Under these circumstances, once custodial interrogation of the petitioner is required for a result oriented investigation, this court is not inclined to grant anticipatory bail to the petitioner.

7. In view of the above, the instant petition is hereby dismissed.
8. Pending application stands dismissed accordingly.

July 14, 2020
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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No