

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

Crl. Misc. M-12663 of 2020
Date of decision: 13.10.2020

201

Sushil and anotherPetitioner(s)

Versus

State of Haryana ...Respondent(s)

AND

Crl. Misc. M-4998 of 2020

201

Anil Kumar and anotherPetitioner(s)

Versus

State of Haryana ...Respondent(s)

CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA

Present: Mr. Deepender Singh, Advocate,
for the petitioners.

Mr. Tanuj Sharma, AAG, Haryana.

(Proceedings are conducted through video
conferencing as per instructions).

G.S.SANDHAWALIA, J. (Oral)

The present order shall dispose of two petitions i.e. Crl. Misc.
M-12663 of 2020 and Crl. Misc. M-4998 of 2020.

The petitioners seek anticipatory bail in petitions filed under
Section 438 Cr.P.C. in FIR No. 35 dated 20.01.2020 under Sections 147,
148, 323, 379, 447 IPC, P.S. City Palwal, District Palwal.

Counsel for the petitioners submits that the petitioners have

joined investigation in pursuance of the interim order dated 21.05.2020 in Crl. Misc. M-12663 of 2020 and interim order dated 05.02.2020 in Crl. Misc. M-4998 of 2020.

Counsel for the State does not deny this fact, on instructions from ASI, Ram Kishan. His only grouse as such is that recovery of the items from the petitioners has not been made. Relevant portion of the interim order dated 21.05.2020 in Crl. Misc. M-12663 of 2020 reads thus:-

“It is contended by counsel for the petitioners that the case against the petitioners is totally concocted for motivated reasons. The complaint has been lodged to settle the score on account of the civil dispute. Although the complainant had filed a civil suit as well, however, the Civil Court had declined her the any interim injunction. Therefore, the point of genesis of dispute is a moot point. Still further, it is submitted that the co-accused of the petitioner has already been granted interim protection by a co-ordinate Bench. Although the complainant has pointed out injury to her husband, however, the same has been opined to be simple in nature.

Relevant portion of the interim order dated 05.02.2020 in Crl. Misc. M-4998 of 2020 reads thus:-

“Learned counsel for the petitioners contends that the commission of offences as alleged in the subject FIR would be debatable as in the suit for permanent injunction brought by the complainant (Hem Lata), her prayer for ad-interim injunction stands declined vide order dated 02.03.2019, on the ground that she is not in possession of the property in question.”

Keeping in view the dispute as such inter se the complainant-

Hem Lata and the petitioners, this court is of the opinion that the orders of

the interim protection are liable to be confirmed in the facts and circumstances of the case.

Accordingly, the petitions stand allowed by confirming the interim order dated 21.05.2020 in Crl. Misc. M-12663 of 2020 and interim order dated 05.02.2020 in Crl. Misc. M-4998 of 2020.

13.10.2020
shivani

(G.S. SANDHAWALIA)
JUDGE

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