

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

109

CRM-M No.18260 of 2020
DATE OF DECISION : 13th JULY, 2020

Hardeep Singh & another

.... Petitioners

Versus

State of Haryana

.... Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

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In virtual Court
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Present: Mr. Paramjit Singh Jammu, Advocate for the petitioners.

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RAJBIR SEHRAWAT, J. (Oral)

The present petition has been filed by the petitioners under Section 438 Cr.P.C for grant of anticipatory/pre-arrest bail in case FIR No.251 dated 02.06.2020 registered under Sections 379 & 201 IPC, at Police Station Rania, District Sirsa.

It is contended by counsel for the petitioners that the case against the petitioners is totally concocted at the instant of the Sarpanch of the village. The complainant happens to be real nephew of the Sarpanch. The reason for this manipulation is that the petitioners had lodged complaint against the Sarpanch and other members of the Panchayat regarding unauthorized possession of the Panchayat land, bungling in allotment of 100 Sq. Yards residential plots and qua cutting and disposing of some trees. It is further submitted that although the allegation of the prosecution is that the trolley was recovered from the brick kiln of the petitioners, on disclosure of the co-accused, who was arrested by the police, however, the petitioners have got a video

recording, in which the police is seen getting the trolley recovered from some different place. It is further submitted that the police station, under which his brick kiln falls, has given information on the application moved under RTI Act, stating therein that no such recovery has been effected from the jurisdiction of that police station.

Notice of motion.

Mr. Anmol Malik, DAG, Haryana, accepts notice on behalf of the State and Mrs. Amandeep Soni, Advocate accepts notice on behalf of the complainant.

Learned State counsel, on instructions from SI Ram Niwas, has submitted that there are specific allegations against the petitioners. Although, the trolley of the complainant has been recovered from the brick kiln of the petitioners, yet, the police are yet to recover the sand, the gravel, the crushed stone and the bricks, which were loaded in the trolley when that was stolen by the petitioners. However, learned counsel for the State has submitted that he has no knowledge about the video recording or the information supplied by the concerned police station. But the counsel for the State has not disputed the complaints having been made by the petitioners against the Sarpanch and other Panchayat Members.

Similarly, the counsel for the complainant has also submitted that trolley of the petitioners was recovered from the brick kiln of the petitioners and that the sand, the gravel, the crushed stone and the bricks, which were loaded in the trolley, at the time of theft are yet to be recovered. However, even the counsel for the complainant has not disputed the fact that the petitioners had made certain complaints against Sarpanch and the members of the Panchayat. Still further, she has shown ignorance qua the video recording, pleaded by the petitioners, as well as

qua the information acquired through RTI Act, which is being relied upon by the counsel for the petitioners.

In view of the above, but without commenting anything on merits of the case, the present petition is allowed. In the event of arrest, the petitioners be released on bail subject to their furnishing personal bonds/surety to the satisfaction of Arresting/Investigating Officer. However, the petitioners shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

13th JULY, 2020
‘raj’

(RAJBIR SEHRAWAT)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>	<i>No</i>
<i>Whether Reportable:</i>	<i>Yes</i>	<i>No</i>