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

CRM-M No. 20989 of 2020
Date of Decision: 20.08.2020

Mohd. Furkan

-Petitioner

Versus

State of Haryana

-Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Anshul Mangla, Advocate,
for the petitioner.
Mr. Deepak Bhardwaj, D.A.G., Haryana.
Mr. Dinesh Sharma, Advocate,
for the complainant.

RAJ MOHAN SINGH, J. (Oral)

The case has been taken up for hearing through video-conferencing.

Petitioner seeks grant of anticipatory bail in case bearing FIR No.387 dated 29.06.2020 registered under Sections 380, 457 and 506 IPC at Police Station City Yamunanagar, District Yamunanagar.

On 30.07.2020, following order was passed:-

“The case has been taken up for hearing through video-conferencing.

Learned counsel for the petitioner contends that civil litigation is pending between

the parties in respect of property in question. In the FIR, complainant arrayed Surender Kumar, Raman @ Kala, Pinku @ Lal Chand, Ikram, Tasim, and Gurnam Singh as accused. SIT was constituted. During the course of investigation, the aforesaid accused persons were joined in the investigation. The police found Surender Kumar, Raman @ Kala, Pinku @ Lal Chand, Ikram, Tasim and Gurnam Singh to be innocent. At the same time, petitioner along with 4-5 unknown persons is found to be involved in the case. The whereabouts of those 4-5 persons are to be disclosed by the petitioner. The recovery is of 10 kg desi ghee, sugar, rice, bottles of cold drinks and other house hold articles.

Notice of motion.

At the asking of Court, Mr. Anant Kataria, DAG, Haryana accepts notice on behalf of the respondent.

List again on 20.8.2020.

Till the next date of hearing, arrest of the petitioner shall remain stayed.”

In view of status report filed by SHO, Police Station City Yamunanagar dated 20.07.2020, it can be seen that the accused persons named in the FIR were Surender Kumar, Raman @ Kala, Pinku @ Lal Chand, Gurnam Singh, Ikram and Tasim besides the petitioner. The aforesaid persons were found to be innocent.

Petitioner along with 4-5 unknown persons was found involved in the occurrence in which 10 kg desi ghee, sugar, rice, bottles of cold drinks and other household articles are yet to be recovered. The police has given references of FIR No.692 dated 26.11.2019 under Sections 447, 448, 506, 511, 34 IPC and FIR No.224 dated 24.03.2020 under Sections 379, 427, 120-B IPC.

Admittedly, both the parties are in civil litigation.

Learned counsel for the petitioner submitted that offences under FIR No.692 dated 26.11.2019 are bailable and no challan has been submitted by the police so far. In FIR No.224 dated 24.03.2020, petitioner has been granted interim bail by the High Court in CRM-M No.21684 of 2020 vide order dated 05.08.2020.

Litigations between the parties would be decided by the competent Courts in due course.

At this stage, without meaning anything on the merits of the case, it would be just and appropriate to direct the petitioner to appear before the SHO/Investigating Officer.

In view of above, the petition is allowed. Petitioner is directed to appear before the SHO/Investigating Officer to join investigation on 24.08.2020 and in the event of his arrest, he shall be released on anticipatory bail on his furnishing adequate bail bonds/surety bonds to the satisfaction of SHO/Investigating

Agency subject to the following conditions as envisaged under
Section 438(2) Cr.P.C:-

- i) that the petitioner shall make himself available for interrogation before the Investigating Officer as and when required;
- ii) that the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;
- iii) that the petitioner shall not leave the country, without prior permission of the Court and shall surrender his passport, if any.

August 20, 2020

Jyoti Sharma

(RAJ MOHAN SINGH)
JUDGE

1. Whether speaking/reasoned : Yes/No
2. Whether reportable : Yes/No