

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

**CRM-M-27201-2020
Date of decision: 15.12.2020**

Krishan and another

...Petitioners

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. S. R. Hooda, Advocate
for the petitioner.

Mr. Deepak Kumar Grewal, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioners pray for grant of anticipatory bail in FIR No.212 dated 24.06.2020, registered under Sections 379, 452, 453, 455, 506, 511 IPC at Police Station Asauda, Jhajjar.

The operative part of the order dated 10.09.2020, vide which the petitioners have been granted interim bail, is reproduced below:

“Counsel for the petitioners has argued that as per the allegations in the FIR, it is stated that petitioner No.1 is the ExSarpanch of the village and he has committed theft of wheat fodder and other article and is threatening the life and liberty of the complainant. It is further stated in the FIR that on an earlier occasions, two FIRs i.e. FIR No.214/2017 at Police Station Bahadurgarh and FIR No.25/2019 at Police Station Asauda, were registered, which is being investigated by the Crime Branch, in which the possession of the mother of the complainant namely Murti devi, was found.

Counsel for the petitioners has also submitted that in fact, the land in dispute is a part of the joint abadi deh

of the village and instead of claiming a right before the Civil Court, by filing a civil suit, the complainant is repeatedly, involving the petitioners in false FIR. It is further argued that it is the primary job of the Civil Court to ascertain whether the petitioners have a right over the land in dispute and who is in possession of the same and it is not for the police to ascertain this aspect of the case and therefore, the civil dispute is being given the colour of criminal litigation.

Notice of motion.

Mr. Sumit Jain, Addl. A.G., Haryana, who is appearing through video conferencing, accepts notice on behalf of the respondent – State.

List again on 15.12.2020.

Learned counsel for the petitioners submits that the petitioners, in pursuance to the order dated 10.09.2020, have already appeared before the SHO/Investigating Officer and have joined the investigation.

Learned counsel for the State, on instructions from SI Joginder Singh, has not disputed the factual position and submits that the petitioners have joined the investigation and are no more required for any further investigation.

In view of the above, the petition is allowed and the interim bail granted to the petitioners, vide order dated 10.09.2020, is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

15.12.2020

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No