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

CRM-M No.10417 of 2021(O&M)

Date of Decision: 31.08.2021

Ganesh Lakhera

.....Petitioner

Vs

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Lekh Raj Sharma, Advocate
for the petitioner.

Mr. Manish Dadwal, AAG, Haryana.

Mr. S.S. Khurana, Advocate
for the complainant.

RAJ MOHAN SINGH, J.(Oral)

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

The petitioner seeks grant of anticipatory bail in case bearing FIR No.36 dated 01.02.2021 registered under Sections 294, 323, 452, 506 IPC at Police Station MT Rewari at Rewari.

On 05.03.2021, following order was passed:-

“Learned counsel for the petitioner contends that only non-bailable offences in the present case are under Sections 452 and 506 IPC. Offence under Section 294 IPC is bailable. Even otherwise, the alleged offence has not taken place in public place. Complainant is real aunt of the petitioner. As per

allegations, the petitioner alone went to the house of his uncle, where the complainant and his two sons were present. Petitioner has pleaded the facts arising out of some transactions in para No.6 of his petition and further submits that his entry in the house was on permissive note and therefore, offence under Section 452 IPC is not attracted.

Notice of motion for 11.05.2021.

At this stage, Mr. S.S. Khurana, Advocate appears on behalf of the complainant.

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

Learned counsel for the petitioner submits that the complainant is real aunt of the petitioner. Petitioner went alone to the house of his uncle, where the complainant and his two sons were present. The very entry of the petitioner in the house of his uncle was on permissive note and therefore, offence under Section 452 IPC would remain debatable even on the allegations raised by the complainant. Offence under Section 294 IPC is bailable. The nature of offence under Section 506 IPC would also remain debatable in view of allegations forming subject matter of FIR.

Though the arrest of the petitioner was stayed while issuing notice of motion, but learned State counsel on instructions from ASI Suresh Kumar submits that the petitioner has been allowed to join the investigation.

The petitioner has joined the investigation to the entire satisfaction of the Investigating Officer and he is no more required for further investigation in the case.

In view of statement made by learned State counsel, the present petition is allowed, subject to the following conditions as envisaged under Section 438(2) Cr.P.C:-

- i) that the petitioner shall make himself/herself 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/her 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/her passport, if any.

(RAJ MOHAN SINGH)
JUDGE

31.08.2021

Prince

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No