

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-13759-2021 (O&M)
Date of Decision:-15.9.2021

Kuldeep and others ... Petitioners

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Vikram Singh, Advocate for the petitioners.

Mr. Rajiv Sidhu, DAG, Haryana,
assisted by SI Mehroof Ali.

Mr. Sameer Sachdeva, Advocate for the complainant.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J.(Oral)

CRM-29858-2021

In view of the reasons mentioned in the application, the same is allowed and the documents annexed with the application are taken on record as Annexures R-1 to R-6.

CRM-M-13759-2021 (Main Case)

1. The petitioners have approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.180 dated 15.10.2020 at Police Station Radaur, District Yamuna Nagar under Sections 147, 149, 379, 447, 504, 511 of Indian Penal Code and Section 25 of Arms Act.

2. The FIR was lodged at the instance of Ishwar Chand, wherein it is alleged that on 11.10.2020 when they were raising a boundary wall on their plot, Kuldeep, Yashpal, Anuj and Karam Parkash came there alongwith 10-12 boys and pushed them and threatened to kill them. It is alleged that Kuldeep brandished a country made pistol and also misbehaved with the ladies and hurled abuses. The complainant alleged that he is a senior citizen and had undergone a heart surgery and usually remains unwell and that whenever he or any other member of the family passes through the street the accused issued threats to them. It is also alleged that several articles lying on the plot i.e. bricks and iron grids etc. have been taken away by the accused.
3. Learned counsel for the petitioners has submitted that there is some dispute regarding ownership of the plot in question and that the petitioners have been implicated falsely simply in order to pressurize them. It has further been submitted that in case the petitioners were to take forcible possession only, there was no question of taking away the bricks and iron grids and that the same showed that they have been falsely implicated.
4. Opposing the petition, learned State counsel assisted by learned counsel for the complainant has submitted that the matter had been got investigated by a Special Investigating Team (SIT) and that upon inquiry it has been found that it is the complainant, who is owner of the property and that in these circumstances, the allegations as levelled in the FIR stand fully substantiated.
5. I have considered rival submissions addressed before this Court.
6. The dispute apparently appears to be in respect of possession over a piece of property. Though it has been informed by learned State counsel that upon some inquiry conducted by the police, it has been found that it is the

complainant, who is owner of the property in question but having regard to the nature of allegations and the fact that none is stated to have been injured in the alleged occurrence, this Court does not find the instant case to be a case warranting custodial interrogation. The petition, as such, is accepted and the interim directions issued by this Court vide order dated 25.3.2021 are hereby made absolute, subject to the condition that the petitioners shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438(2) Cr.P.C.

7. It is, however, clarified that none of the observations made above shall be taken to be an expression on merits of the main case.

15.9.2021

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No