

203

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

**CRM-M-16663-2021
Date of decision-17.09.2021**

RAJIV GAUR**...Petitioner**

Vs.

STATE OF HARYANA**...Respondent****CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ**

Present: Mr. Naveen Kaushik, Advocate
for the petitioner.

Kanwar Sanjiv Kumar, AAG, Haryana.

MANOJ BAJAJ, J. (ORAL)

This petition has been filed by the petitioner under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No.155 dated 24.03.2021, under Sections 323, 34, 448, 506 & 511 Indian Penal Code, 1860, registered at Police Station Krishana Gate, Thanasar, District Kurukshetra. The petitioner apprehended his arrest at the hands of Police, in the above FIR.

Learned counsel for the petitioner has invited the attention of the Court to the order dated 16.04.2021, whereby, while issuing notice of motion to respondent-State, the interim protection was extended to the petitioner. The said order reads as under:-

“The matter has been taken up through video conferencing in the light of COVID-19 pandemic.

The present petition has been filed by the petitioner, Rajiv Gaur, for grant of anticipatory bail in case bearing FIR No.155 dated 24.03.2021 under

Sections 323, 34, 448, 506, 511 IPC, Police Station Krishana Gate, Thanesar, District Kurukshetra.

The aforesaid FIR was registered at the instance of Santosh Gaur, widow of Sudarshan Chand Gaur, on the premise that her husband had executed Will of five shops in her favour, which were earlier rented out to HDFC Bank and after vacation of the same by the said Bank, while the shops were in her possession, her younger son, namely, Rajiv Gaur (who is the present petitioner), broke open the locks of the shops and got installed his own locks thereupon. Even, Rajiv Gaur and his driver Naresh Gaur had given beatings to the complainant.

Now, it is submitted by learned counsel for the petitioner that there is a family dispute between the parties and FIR was got registered, after three months. Though, in the FIR, there is a mention made about the occurrence to have taken place in the month of January, 2021, but however, the FIR was got registered only on 24.03.2021. Moreover, it is submitted that earlier the petitioner was granted benefit of anticipatory bail and he had also joined the proceedings, as so mentioned in the statement got recorded by Sunil Kumar, PP, Subhash Mandi, Thanesar, on 07.04.2021, which is Annexure P-8. However, it was on 09.04.2021, when the supplementary report was filed, therein it was stated that the petitioner did not cooperate during the investigation and did not get the necessary documents recovered. The order dated 06.04.2021, vide which, he was granted benefit of bail, was withdrawn and the application for grant of anticipatory bail was dismissed.

In this background, the petitioner now apprehends arrest at the behest of the police and has filed the present petition. In the order dated 09.04.2021, there is nothing as such evident about the detail of the noncooperation at the behest of the petitioner.

Notice of motion.

Ms. Harpreet Kaur, Assistant Advocate General, Haryana, accepts notice on behalf of the respondent-State and seeks adjournment to get further instructions.

On her request, the matter is adjourned to 13.05.2021.

Meanwhile, in the event of arrest, the petitioners shall be released on interim bail, to the satisfaction of the Arresting Officer. However, the petitioners shall join the investigation, as and when

directed by the investigating agency and shall abide by the terms and conditions as laid down in Section 438(2) Cr.P.C.”

Learned counsel for the petitioner further contends that in deference to the said order, the petitioner submitted himself before the Police and joined the investigation. According to him, the petitioner cooperated with the Police Authorities during the investigation and furnished requisite bonds to the satisfaction of the Investigating Officer/Arresting Officer.

Learned State counsel, who is assisted by ASI Sunil Kumar does not dispute this fact that the petitioner has joined the investigation and he is not required for custodial interrogation for the time being.

Considering the above, the petition is allowed and the interim bail granted by this Court vide order dated 16.04.2021 is made absolute.

(MANOJ BAJAJ)
JUDGE

17.09.2021

Vipin kumar

Whether speaking/reasoned :

Yes

No

Whether Reportable :

Yes

No