

In virtual Court

CRM-M-29805-2021

-1-

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-29805-2021 (O&M)
Date of decision: 29.07.2021

Rajesh Kumar and others

... Petitioners

Vs.

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Ashwani Verma, Advocate
for the petitioners.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for issuance of directions to the official respondents not to harass the petitioners and given them a notice under Section 160 Cr.P.C., if they are wanted in any case.

Learned counsel for the petitioners submits that petitioner No.1 is a senior citizen and is having three children namely Pooja Bhola, Ashish Bhola and Neha Bhola. Petitioners No.2 & 4 are his daughters and petitioner No.3 is husband of petitioner No.2 and son-in-law of petitioner No.1. Son of the petitioner, namely Ashish Bhola was married in the year 2008 and later on, they jointly purchased a plot in Silver City Main, Zirakpur and constructed a house in the year 2012 and also purchased another abutting plot. After some time, Ashish Bhola, son of petitioner No.1, started demanding his share and petitioner

No.1 sold out the residential house on 12.03.2018 and shared the sale consideration with his son Ashish Bhola. Later on, petitioner No.1 disowned his son and daughters from other moveable and immoveable properties. After selling the house, petitioner No.1 and his wife started living in a rented accommodation. In July, 2020, a news item was published, wherein a person namely Raja Narula claimed himself to be owner of the property, by stating that he had purchased the same from Ashish Bhola and further stated that some influential leaders are claiming right on the basis of some token money accepted by Ashish Bhola. On 28.07.2020, the police came to house of petitioner No.1 and called him in Police Station Mullanpur and was released after 7-8 hours and since then, the police is harassing the petitioners. It is also submitted that the petitioners have given a complaint to the Senior Superintendent of Police, SAS Nagar (Mohali), but no action is taken so far.

Notice of motion.

On asking of the Court, Mr. Joginder Pal Ratra, DAG, Punjab accepts notice on behalf of respondents-State and on instructions from SHO, Police Station Mullanpur, has submitted that FIR No.80 dated 26.08.2020 stands registered under Sections 406, 420, 120-B IPC, at Police Station Mullanpur, SAS Nagar (Mohali), in which Ashish Bhola, his wife Harleen and petitioner No.1 Rajesh Kumar are accused. It is further submitted that petitioner No.1 was called in the police station in connection with said FIR, as the police is taking action in accordance with law and if petitioners No.2 to 4 are required for the investigation, notice under Section 41-A Cr.P.C. will be given to them and in fact, some notice has already been issued.

In virtual Court

CRM-M-29805-2021

-3-

In view of the above, I find that the police is following the proper procedure and since petitioner No.1 being an accused in the aforesaid FIR, the petitioners, if required in the investigation of the aforesaid FIR, can apply for anticipatory bail.

Accordingly, this petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

29.07.2021
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No