

CRM-M-53572-2021
Date of Decision : 11.10.201

Baljit Kaur & Anr.

...Petitioners

versus

State of Haryana

...Respondent

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGANPresent: Mr. Sunil Sihag, Advocate for
Mr. L.S. Chahal, Advocate
for the petitioners.

Ms. Geeta Sharma, DAG, Haryana

AVNEESH JHINGAN, JUDGE (ORAL)

This petition under Section 438 of the Code of Criminal Procedure is filed seeking anticipatory bail in FIR No.411 dated 28.08.2018 under Sections 420, 406, 120-B of IPC and Sections 13 (1) (c) , 13 (1) (d) and 13 (2) of the Prevention of Corruption Act, 1988 (added later on), registered at Police Station, Sector-5, Panchkula.

This Court vide order dated 05.12.2018 granted the interim bail subject to joining investigation:

“Learned senior counsel for the petitioners submits that the SLP filed by the petitioners was dismissed in *limini* vide order dated 07.09.2007 by the Hon'ble Apex Court on the ground of delay but without mentioning anything on merits of the case. Learned senior counsel also submits that other similarly situated land owners filed SLP against the order passed by this Court. All SLPs were consolidated with SLP No.16372-16404 of 2008 and

ultimately, vide SLP titled as Ashrafi and others vs State of Haryana and others, the compensation was enhanced and the petitioners were also entitled for the compensation which has been granted against the same acquisition to the land owners. Petitioners have been granted the enhanced amount on the basis of said judgment dated 11.04.2013 and no more amount was given and it cannot be said that the petitioners were not entitled for enhanced compensation, in case, the SLP filed by them was dismissed in *limini* as per ratio of judgment of Hon'ble the Apex Court.

Notice of motion.

On asking of the Court, Ms. Tanushree Gupta, D.A.G., Haryana, who is present in the Court, accepts notice on behalf of respondent-State.

Adjourned to 23.01.2019.

Meanwhile, the petitioners are directed to join investigation and in the event of their arrest, they shall be released on interim bail to the satisfaction of the Arresting Officer. They shall join the investigation as and when required by the Arresting Officer. They shall also comply with the conditions as envisaged under Section 438(2) of the Code of Criminal Procedure, which are as under :-

(i)that the petitioners shall make themselves available for interrogation before investigating officer as and when required;

(ii)that the petitioners 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 from disclosing such facts to the court or to any police officer;

(iii)that the petitioners shall not leave India without the prior permission of the Court.

Learned senior counsel for the petitioners is directed to supply a copy of the petition to learned counsel for the respondent-State during course of the day”.

Learned State counsel, on instructions submits that the petitioners

have joined the investigation and thereafter the challan was presented but the

amount in dispute is yet to be recovered.

As no custodial interrogation is needed, the interim bail granted on 05.12.2018 is made absolute.

Disposed of accordingly.

11th October 2021

Manju

(AVNEESH JHINGAN)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No