

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

202-3

CRM-M-26326-2020

Date of decision: 09.02.2021

Jogindero Devi and another

.....Petitioners

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Ms. Jasneet Mehra, Advocate
for the petitioners.

Mr. Ranvir Singh Arya, Addl. A.G., Haryana
for the respondent-State.

ARUN KUMAR TYAGI, J. (ORAL)

Petitioners-**Jogindero Devi and Luxmi Devi** have filed this petition under Section 438 of the Code of Criminal Procedure, 1973 (for short, "the Cr.P.C") for grant of anticipatory bail in case FIR No. 260 dated 05.08.2020 registered under Sections 148, 149, 186, 307, 323, 332, 353, 427 and 447 of the Indian Penal Code, 1860 at Police Station Chandimandir, District Panchkula.

While issuing notice of motion on 18.09.2020, this Court had granted interim anticipatory bail to the petitioner with direction to join the investigation and the relevant part of the said order reads as under:-

"The petitioners have filed this petition under Section 438 of the Code of Criminal Procedure, 1973 (for short 'the Cr.P.C.') for grant of anticipatory bail in case FIR No. 260 dated 05.08.2020 registered under Sections 148, 149, 186, 307, 323, 332, 353, 427 and 447 of the Indian Penal Code, 1860 at Police Station Chandimandir, District Panchkula.

Learned State Counsel has sent video clips through e-mail which have been seen.

Learned Counsel for the petitioners has reiterated

his prayer for grant of interim anticipatory bail by submitting that the petitioners are allottees/descendants of the allottees and are in possession of the land in question. There was no order for their dispossession or demolition of any construction. Four members of village Rattewali namely Jai Pal, Keemti Lal, Karan Dass and Vikram of Gram Panchayat have given affidavits that resolution No. 1 dated 28.07.2020 was not signed by them and their signatures on the same are forged and fabricated. No injury was caused by the petitioners to any of the public servants. Offence under Section 307 of the IPC is not made out. The petitioners are ready to join the investigation.

Learned State Counsel seeks adjournment to file detailed reply with relevant documents.

Adjourned to 09.11.2020.

Reply along with relevant documents be filed in the registry and advance copy thereof be supplied to the learned Counsel for the petitioners.

In the meanwhile, the petitioners are directed to join the investigation as and when called upon to do so. In the event of their arrest, the petitioners shall be released on interim bail by the arresting officer/investigating officer on furnishing of bail bonds by them to the satisfaction of the arresting officer/investigating officer. The petitioners shall comply with the conditions enumerated under Section 438(2) of the Cr.P.C. failing which they shall not be entitled to the protection of interim bail allowed to them."

The petition has been opposed by the learned State Counsel in terms of reply filed by way of affidavit of Raj Kumar, HPS, Assistant Commissioner of Police, Panchkula.

I have heard learned Counsel for the petitioners and learned State Counsel and have gone through the record.

Learned Counsel for the petitioners has, while reiterating submissions made on 18.09.2020, submitted that in compliance with order dated 18.09.2020, the petitioners have joined the investigation.

On the other hand, learned State Counsel has vehemently opposed the petition and submitted that in view of gravity of accusation, the petitioners do not deserve grant of anticipatory bail.

Therefore, the petition may be dismissed.

However, learned State Counsel has, on instructions from ASI Vinod Kumar, acknowledged that in compliance with order dated 18.09.2020 passed by this Court, the petitioners have joined the investigation and that their custodial interrogation in the present case is not required for effecting any recovery.

In view of the facts and circumstances of the case, nature of accusation against the petitioners, the fact that custodial interrogation of the petitioners is not required in the case and there is no material to justify the apprehension of the petitioners fleeing from justice or tampering with evidence or criminally intimidating the prosecution witnesses but without expressing any opinion on the merits of the case, I am of the considered view that the petitioners deserve the grant of anticipatory bail.

In view of the above, the petition is allowed and order dated 18.09.2020 granting interim bail to the petitioners is made absolute. However, the petitioners shall join the investigation again if and as and when called upon to do so and shall abide by the conditions enumerated in Section 438 (2) of the Cr.P.C., failing which the protection of anticipatory bail order shall not be available to them.

09.02.2021

Vinay

(ARUN KUMAR TYAGI)
JUDGE

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