

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

**CRM-M-31529-2021
Date of decision: 06.08.2021**

Rahul Gupta @ Ashutoshanand @ Aashu Baba

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Ravi Sharma, Advocate
for the petitioner.

Mr. Deepak Kumar Grewal, DAG, Haryana.

(through video conferencing)

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of anticipatory bail in FIR No. 232 dated 01.07.2021, registered under Sections 380, 457 of the IPC at Police Station Chand Hut, District Palwal.

Learned counsel for the petitioner, at the very outset, submits that in the translated version of the FIR, there is an error regarding the days in registration of the FIR, however, the same is not material to the main allegations in the FIR.

Learned counsel further submits that a civil suit is pending regarding succession to the estate of the seat of Late Paramhans Varjanand Ji Maharaj. It is further submitted that as per registered deed, the petitioner has been declared as successor as his predecessor died on 24.05.2020.

Learned counsel further submits that the complainant side is in

the habit of lodging similar complaints as another FIR No. 362/2020 under Section 379-B IPC was registered on similar grounds in Police Station Shivpuri, M.P.

Learned counsel further submits that as per allegations in the present FIR, the petitioner along with his one disciple Hemant Badonia came to Shri Paramhans Ashram situated in village Ghor, Palwal as he is looking after the affairs of the said Ashram. It is further submitted that complainant alleges that on 20.05.2021 at about 12.00 in night, the petitioner along with his disciple and two/three other persons, reached Ashram and stayed there. The complainant was also living in the said room and has kept some money and jewellery, which were offered by the followers who visit the Ashram. It is further stated that since the complainant was known to petitioner, because he used to visit the Ashram on earlier occasions, he allowed the petitioner to stay and on the next day in the early morning, the petitioner and others left the Ashram on the pretext of some urgent work. Thereafter, the complainant locked the room. It is further stated that after about 25 days on 19.06.2021, when the complainant was in need of money, he opened the room and found that money and jewellery were missing and on that account, the present FIR was registered.

Learned counsel further submits that the matter is subjudice before the Court regarding succession and the complainant himself is a person who has set up fake documents to stake claim in the Ashram and the very fact that from 21.05.2021, when the petitioner left the Ashram, till 19.06.2021, the complainant himself was in possession of the said room, where the alleged money and jewellery were kept as he was having the keys of the same. It is further submitted that the petitioner is falsely implicated

and has already approached this Court for fair investigation of the FIR.

Learned counsel for the petitioner further submits that it is not the case of the complainant that he has handed over the keys to the petitioner on 20.05.2021 when the petitioner and his disciple stayed there for one night and, therefore, the allegations in FIR is nothing but the misuse of process of law and just an attempt to pressurize the petitioner to succumb to illegal design of the complainant, who wants to take administration of the Ashram.

Learned State counsel could not dispute the factual position. It is also not disputed that the petitioner was declared successor on 07.06.2020.

After hearing learned counsel for the parties, without expressing any opinion on the merits of the case, considering the aforesaid facts and circumstances, I find that this is a case, where the custodial investigation of the petitioner is not required.

Accordingly, the present petition is allowed. The petitioner is granted concession of anticipatory bail, subject to the conditions envisaged under Section 438(2) Cr.P.C.

However, it will be open for the Investigating Officer to call upon the petitioner to join investigation, if so required, by issuing him a written notice in this regard.

06.08.2021

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No