

202-3

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.28833 of 2020 (O&M)

Decided on: 03.11.2021

Dharampal and others

....Petitioners

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. S.S. Gill, Advocate
for the petitioners.

Mr. Himmat Singh, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioners pray for grant of anticipatory bail in FIR No.260 dated 05.08.2020 registered under Sections 148, 149, 186, 307, 323, 332, 353, 427 and 447 IPC at Police Station Chandimandir, District Panchkula.

The operative part of the order dated 21.09.2020, vide which interim anticipatory bail has been granted to the petitioners, is reproduced as under:-

“...Learned Counsel for the petitioners has submitted that the petitioners have been falsely implicated in the case. Petitioner No.1 is a retired school teacher while petitioners No.2 and 3 are nephews of petitioner No.1. Petitioners No.2 and 3 are running a small shop of confectionery. Wife of petitioner No.1 is an Anganwadi worker and contested the election for the post of Sarpanch. Few months back, Sarpanch Rocky Ram and Panchayat Secretary Yogesh Kumar approached co-accused Jaspal and asked him to sell his land to them which had been allotted by the Panchayat to his father

Sant Ram in the year 1961-62 and on his refusal both the Sarpanch and Panchayat Secretary threatened Jaspal and his father that they would take the possession from them forcefully. On 29.07.2020 co-accused Jaspal and his father started constructing their house on the land which was objected to by the Sarpanch on the ground of there being status quo order but no order was shown. On 05.08.2020 the Sarpanch along with Panchayat Secretary, police officials and BDPO officials came with private JCB machine and claiming that the said land was Panchayat's land and wrongful encroachment was being made on the same, threatened to demolish the construction without any court order. Petitioner No.1 intervened in the matter to reason with the BDPO and Sarpanch. At no point of time the petitioners used physical force or even raised a single finger on the complainant or any other official. About 100 police officials were present on the spot and the allegations as to attempt to strangle the BDPO are false. Similarly placed coaccused have been granted interim anticipatory bail by this Court vide order dated 18.09.2020. The petitioners are ready to join the investigation.

Notice of motion.

Pursuant to supply of advance copy of the petition, Mr. Naveen Singh Panwar, DAG, Haryana has appeared and accepted notice on behalf of the respondent-State.

Learned State Counsel seeks time to file reply.

Adjourned to 09.11.2020.

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....”

Counsel for the petitioners has submitted that, in pursuance to the order dated 21.09.2020, the petitioners have appeared before the Investigating Officer and have joined the investigation.

Counsel for the State, on instructions from ASI Ramesh

Chand, has not disputed the aforesaid fact and submits that the petitioners are no more required for further investigation.

In view of the above, this petition is allowed and the interim bail granted to the petitioners vide order dated 21.09.2020 is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

(ARVIND SINGH SANGWAN)
JUDGE

03.11.2021
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Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No