

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

205

CRM-M-34998 of 2021
Date of Decision : 16.11.2021

Kani Ram and others

...Petitioners

Versus

State of Haryana

...Respondent

(Through Video Conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Dheeraj Narula, Advocate for the petitioners.

Mr. Karan Garg, AAG, Haryana.

Mr. Paramjit Singh Jammu, Advocate for the complainant.

Harsimran Singh Sethi, J. (Oral)

Petitioner is seeking anticipatory bail in FIR No.264 dated 28.07.2021 registered under Sections 380, 457 and 506 of the IPC at Police Station Ellenabad, District Sirsa.

Learned counsel for the petitioner submits that the petitioners have joined investigation in terms of the order passed by this Court on 26.08.2021. Order dated 26.08.2021 is as under:-

“Present petition has been filed under Section 438 Cr.P.C for the grant of anticipatory bail to the petitioners in respect of FIR No.264 dated 28.07.2021 registered under Sections 380, 457 and 506 of the Indian Penal Code, 1860 at Police Station Ellenabad, District Sirsa, Haryana.

Learned counsel for the petitioners submits that there is a civil dispute going on between the complainant and the petitioners since long and complainant and the petitioners are related to each other and the complainant is the '*Bua*' of the petitioners. Learned counsel for the petitioners further submits that there is a property dispute between the petitioners and the complainant and the present allegations have been

alleged only with the sole purpose to browbeat the petitioners.

Notice of motion.

Mr. Gaurav Bansal, learned Assistant Advocate General, Haryana, who has joined the proceedings through video conference, keeping in view the service of advance copy of petition, accepts notice on behalf of the respondent-State and Mr. Paramjit Singh Jammu, Advocate, who has also joined the proceedings through video conference, keeping in view the service of advance copy of petition, accepts notice on behalf of the complainant.

Learned counsel for the respondent-State submits that as per the allegations alleged in the FIR, certain items were taken from the premises in dispute, which actually belongs to the complainant and the articles alleged to have been stolen, are yet to be recovered.

Learned counsel appearing on behalf of the complainant submits that the complainant is a widow lady and though, there is a property dispute going on between the complainant and the petitioners but she is being harassed by the petitioners and in fact, the present allegations of breaking the lock and taking away the items lying in the said premises is only to harass the complainant and there is no dispute between the parties with regard to the premises from where the articles have been stolen.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Once, it is a conceded position that there is a civil litigation going on between the petitioners and the complainant and the complainant and the petitioners are related to each other and the allegations alleged in the complaint are yet to be proved, the purpose of investigation will be achieved in case, the petitioners are directed to join the investigation and cooperate.

As the petitioners have undertaken to join the investigation and co-operate with the same, they have made out a case for the grant of anticipatory bail.

Petitioners are directed to join the investigation forthwith. In the event of their arrest, they shall be released on interim bail to the satisfaction of the Arresting Officer/Investigating Officer on their furnishing bail bonds/surety bonds to his/her satisfaction subject to the following conditions:

- i) That they shall make themselves available for interrogation by the police officer as and when required.
- (ii) That they 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 the said facts to the Court or to any police officer.
- (iii) That they shall not leave India without prior permission of the Court.

(iv) That they shall abide by all the conditions as enshrined under Section 438 (2) Cr.P.C.

Adjourned to 16.11.2021.

It is, however, made clear that after the petitioners join the investigation, in case any incriminating material comes against the petitioners, the respondent-State will be at liberty to file appropriate application seeking the custody of the petitioner in case, the same is needed.”

Learned State counsel, who has also joined the proceedings through video conference, on instructions from S.I Rajesh Kumar, states that in terms of the order of this Court reproduced before, the petitioners have joined investigation and they are not required for further interrogation at this stage.

In view of the above, the order dated 26.08.2021 passed by this Court granting interim bail to the petitioners is made absolute.

However, the petitioners shall abide by the conditions stipulated under Section 438(2) Cr.P.C. They shall also join investigation as and when called upon to do so.

In case at any given point of time hereinafter, it is felt by the Investigating Agency that petitioners are required for the investigation but they are not cooperating, it will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

November 16, 2021
aarti

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No