THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-40326-2020 (O&M)
Date of decision: 04.01.2021

Ankur @ Ankush @ Vikas

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S. MADAAN

Present: Mr. Govind Chauhan, Advocate for the petitioner.

Mr. Karan Garg, AAG, Haryana.

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H.S. MADAAN, J. (Oral)

Case taken up through video conferencing.

This petition for regular bail has been filed by petitioner Ankur @ Ankush @ Vikas, aged about 27 years, an accused in FIR No.172 dated 12.06.2020, for offences under Sections 148, 149, 323, 365, 379B, 452 and 506 IPC, registered with Police Station Taraori, District Karnal.

Briefly stated facts of the case as per prosecution version are that, the FIR in question was lodged by complainant Satbir Singh son of Dalip Singh, resident of Siwaha, Tehsil & District Jind, who in the written complaint submitted by him to the police contended that he had been residing in his relative Ram Kishan's house at Dharam Pal Colony, Taraori and on 11.06.2020, at about 11.00 PM, when he was sleeping in his house, then some boys entered the house by scaling the boundary

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wall; they damaged the door of drawing room and started beating him with first blows; they forcibly snatched key of his car and main gate; some ladies also trespassed in the house and gave beatings to him; inter alia in the complaint, he submitted that such trespassers then forcibly put him into the car and snatched Rs.5000/- from him; then at about 6.00 AM, they left him and his car near police station and ran away; he had named two sons of Mem Pal and Santosh, namely Ankush (present petitioner) and Vikas, daughters Mamta, Preeti and Santosh herself besides three other persons as culprits; after registration of the FIR, the investigation in the case started; the petitioner was arrested in this case on 02.09.2020; after completion of investigation and other formalities, challan has been filed in the Court on 01.12.2020.

The petitioner had moved a petition for regular bail before Court of Sessions at Karnal, which was assigned to Addl. Sessions Judge, Karnal, however, that petition was dismissed on 03.11.2020. As such, he has approached this Court, craving for grant of similar relief, which request is being opposed by the State counsel.

I have heard learned counsel for the parties besides going through the record.

Learned counsel for the petitioner has stated that basically one Neelam is owner of the house, who is handicapped; With her consent, her husband Sandeep @ Jaspal had married Preeti, daughter of Mem Pal and Santosh; Neelam had executed a special power of attorney in favour of Preeti; The complainant wants to grab the property of Neelam and in pursuance of that design, he has lodged the present FIR.

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Whereas, learned State counsel has contended that Neelam had entered into an agreement to sell with Ram Kishan, delivering possession to him and Ram Kishan had kept the present complainant as a caretaker in the house, in that way, the complainant was in possession of the house when the accused had trespassed in the said house and committed the crime.

After hearing the rival contentions, I find that the contentions raised by State counsel are nowhere there in the FIR. Though, learned State counsel has contended that it has been so mentioned in the challan but non-mentioning of these facts in the FIR lodged by the complainant raises a doubt in the mind about the truthfulness of the story. Even otherwise, the story set up by the complainant in the FIR does not appear to be convincing on the face of it. The dispute is of civil nature and it seems that the complainant is trying to get it resolved by taking recourse to the criminal machinery, which cannot be permitted. Learned counsel for the petitioner has placed on record copy of the plaint reflecting that Ram Kishan Rathi along with Mukesh Kumar and Raj Kumar had filed a suit for specific performance against Neelam Rani and as per copy of the order dated 20.11.2020 passed by Presiding Officer, Daily Lok Adalat-cum-CJ(JD), Karnal, the dispute has been settled by way of compromise. Since the petitioner is behind bars for a considerable time; the challan has been filed but the trial is yet to begin, the conclusion of which is likely to take considerable time, in my view, the petition deserves to be accepted. The same is allowed. The petitioner is ordered to be released on bail on his furnishing bail bonds and surety bonds to the satisfaction of trial

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Court/CJM/Duty Magistrate, Karnal, subject to the following conditions:-

(i) he shall appear in the Court on each and every date of hearing;

(ii)he shall not give any threat or intimidation to the prosecution witnesses; and

(iii)he shall not leave India without prior permission of the Court and shall surrender his passport, if he has got one, otherwise to furnish affidavit in that regard.

Anything said herein above shall not be construed as an expression of opinion on the merits of the case.

04.01.2021 **(H.S. MADAAN)**
sumit.k **JUDGE**

Whether speaking/reasoned : Yes No
Whether Reportable : Yes No

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