

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

Criminal Misc. No.M-50721 of 2021(O&M)

Date of Decision: December 15, 2021

Mahabir

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

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Present: - Mr.Prabhjeet Singh Sullar, Advocate for the petitioner.

Mr.Pawan Longia, DAG, Haryana.

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HARINDER SINGH SIDHU, J.

The petitioner has filed this petition under Section 439 Cr.P.C for grant of regular bail in case FIR No.43 dated 02.02.2021 under Sections 148, 149, 323, 379-B, 427, 447, 506 IPC and Section 27 of the Arms Act, Police Station Kanina, District Mahendergarh.

The allegations in the FIR are that on 02.02.2021 at about 1.10 PM, complainant Birender Singh alongwith his employee Hanuman was present at his petrol pump HP Kotia Pump. Munesh, Mahabir (petitioner), Rahul, Raj Singh and Ram Chander alongwith 10-12 goons came in a pick up truck and attacked the complainant. They inflicted injury with iron rod on the head of complainant. The complainant saved himself by raising his hand. Accused took away Rs.5,16,000/- from his office. They also snatched mobile, LED, TV, bed, fridge, almirah and other documents relating to petrol pump including ATM card, credit card, 2 cheques, cheque book, DVR etc. They also caused damage to the cameras installed at petrol pump.

Ld. counsel for the petitioner has submitted that the case has been

registered on a false complaint by Birender Singh – complainant. He argued that a

civil litigation regarding the possession of the Petrol Pump is already pending before the Civil Court. The Petrol Pump has been allotted in the name of Munesh wife of the petitioner vide Letter of Intent dated 29.01.2010 (P-4). The complainant is neither the owner nor in possession of the Petrol Pump and by lodging the present FIR he is just trying to usurp the property. It is further stated that an agreement (P-5) was executed between Munesh (wife of petitioner) and Anurag (son of complainant) vide which financial assistance of Rs.50 lacs was provided by Anurag and the Petrol Pump was collateral security for the same. By issuing a legal notice dated 06.01.2021, Munesh stated that she is ready to refund the loan amount and asked for cancellation of the unilateral agreement, but the complainant side has wrong intention to get possession of the Petrol Pump. The present FIR is a counter-blast to the said notice.

Ld. counsel for the petitioner has further stated that trial of the case may long time as no prosecution witness has been examined so far. The petitioner is behind bars since 03.02.2021. Co-accused Munesh and Rahul have already been granted anticipatory bail, while co-accused Rajesh @ Raj Singh has been released on regular bail.

In view of the above facts and circumstances, without expressing any opinion on the merits of the case, this petition is allowed. The petitioner is directed to be released on bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

December 15, 2021

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**(HARINDER SINGH SIDHU)
JUDGE**

Whether Speaking / Reasoned	Yes
Whether Reportable	Yes / No