

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

CRM-M-1768-2022
Date of decision: 15.03.2022

Bhumit Samota

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Abhimanyu Singh, Advocate
for the petitioner.

Mr. Deepak Kumar Grewal, DAG, Haryana.

Mr. Rajesh K. Dhankar, Advocate
for the complainant.

(Through video conferencing)

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of anticipatory bail in FIR No. 724 dated 07.12.2021, registered under Sections 341, 506 of the IPC (Section 3(2) of the SC/ST Act, 1989 added later on) at Police Station Bhiwani Sadar, District Bhiwani.

The operative part of the order dated 14.01.2022, vide which the petitioner has been granted interim bail, is reproduced below:

“Learned counsel for the petitioner submits that the petitioner and the complainant are residents of the same village.

It is further submitted that the petitioner is appearing as a counsel for Seema wife of Mahinder, who is son of complainant Raj Kumar, in a proceeding under Domestic Violence Act and in an FIR under Section 376 IPC.

Learned counsel further submits that even the petitioner has filed a suit for prohibitory injunction against Sumit and others, who are the family members of the petitioner, with regard to causing nuisance and restraining them to remove the wall of the house of the petitioner, in which the proceedings are pending before the Civil Court and a Local Commissioner has already been appointed and the defendants in the suit are appearing as witnesses in the present FIR on behalf of the complainant, just to put pressure on the petitioner.

Learned counsel further submits that the present FIR has been registered with the allegations that the petitioner has abused the complainant in the name of his caste. It is further submitted that the FIR is nothing but a ploy to restrain the petitioner from defending the daughter-in-law of the complainant in the aforesaid proceedings, being a lawyer.

It is further submitted that the petitioner has given a detailed representation to Superintendent of Police, Bhiwani against his false implication in the FIR and the same is pending investigation.

Notice of motion.

Mr. Chetan Sharma, AAG, Haryana, who is also appearing through video conferencing, accepts notice on behalf of the respondent-State and could not dispute the factual position. It is also not disputed that the petitioner, being a lawyer, is defending the daughter-in-law of the complainant in aforesaid proceedings and has also filed a civil suit with regard to some property, which is pending.

List again on 15.03.2022.”

Learned counsel for the petitioner submits that the petitioner, in pursuance to the order dated 14.01.2022, has already appeared before the SHO/Investigating Officer and has joined the investigation.

Learned counsel for the State, on the basis of the affidavit of DSP, Bhiwani, has not disputed the factual position and submits that the petitioner has joined the investigation and is no more required for any further investigation.

In view of the above, the petition is allowed and the interim bail granted to the petitioner, vide order dated 14.01.2022, is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

15.03.2022

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No