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

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**CRM-M-7058-2022**

**Date of Decision: 22.09.2022**

Vikramjit alias Vikram Bishnoi

..... Petitioner

Versus

State of Haryana

..... Respondent

**CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI**

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

Mr. Ranvir S. Arya, Addl. AG, Haryana.

Mr. D.S. Virk, Advocate,  
for the complainant.

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**JASGURPREET SINGH PURI, J. (ORAL)**

The present petition has been filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail to the petitioner in case bearing FIR No.390 dated 17.09.2021, under Section 120-B, 406, 420 & 506 of the IPC, registered at Police Station Rania, District Sirsa.

It has been submitted by learned counsel for the petitioner that in pursuance of the order dated 21.02.2022, whereby the petitioner was granted interim anticipatory bail, he has joined the investigation and he has also fully cooperated in the investigation process.

Learned counsel for the petitioner further submitted that the controversy involved in the present case was that the petitioner had got the services of the complainant for the purpose of digging a bore and for that

purpose allegedly some equipments were used by the complainant for the purpose of inserting the pipes, and thereafter, the pipes were required to be taken out. He also submitted when the dispute arose that the deep bore was made on 23.09.2019 and after a period of two years, now the present FIR has been lodged on the ground that the complainant was not permitted to have taken out his equipments and pipes with the result that loss has been caused to the complainant. He further submitted that the dispute, if any, is totally a civil dispute and the petitioner has never stopped anybody from taking out any pipes, since the pipes were actually not under ground in view of Annexure P-3, wherein a certificate has been given by the mechanic, namely, Raju, that after the installation of the bore the entire equipment has been taken away including the machinery etc. Learned counsel for the petitioner further submitted that the subject matter of the aforesaid dispute arose in District Hanumangarh at Rajasthan and FIR has been lodged in the State of Haryana and even otherwise also the FIR was without any jurisdiction and was totally an abuse of the process of law.

On the other hand, Mr. Ranvir Singh Arya, learned Additional Advocate General, Haryana, has stated that it is correct that the petitioner has joined investigation but he has instructions to say that the petitioner has not taken out the equipments belonging to the complainant.

Mr. D.S. Virk, Advocate has caused appearance on behalf of the complainant and has opposed the grant of anticipatory bail to the petitioner on the ground that the petitioner has not complied with the orders passed by this Court on 05.04.2022 and 09.08.2022, wherein the bail was to be extended subject to the condition that the petitioner would cooperate for the pupose of

taking out the equipments.

I have heard the learned counsel for the parties.

Firstly, the subject matter of the present FIR was with regard to digging out a bore for irrigation purposes which is situated in the State of Rajasthan whereas the FIR has been lodged in the State of Haryana on the ground that the complainant had given the pipes from the State of Haryana. Secondly, as per the learned State counsel, the petitioner has already joined the investigation. The only issue which remains is that as to whether the petitioner has permitted or not permitted to take out the pipes which were used for the purpose of insertion of his own pipes for the purpose of digging out the bore or not.

This Court is of the view that the rights of the petitioner are protected under Article 21 of the Constitution of India and the same can be taken away only by the procedure established by law and such procedure established by law has to be just, fair and reasonable in view of the judgment passed by the Hon'ble Supreme Court in “**Menaka Gandhi Vs. Union of India and another**”, 1978(1) SCC 248. Such kind of objection taken by the learned State counsel and the complainant is not sustainable since this Court has to strike a balance between freedom of an individual on the one hand and as to whether grant of bail can hamper the investigation, possibility of fleeing from justice and such other factors on the other hand. It has been stated by the learned counsel for the petitioner that the bore was dug in the year 2019 and FIR has been lodged after a period of two years and he has never refused anybody from digging out the land but his case was that there were no pipes in the land, and therefore, he cannot be compelled to dig out and give the pipes to

the complainant which are non-existent.

In view of the aforesaid position, the present petition is allowed and the order dated 21.02.2022, is hereby made absolute.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

**22.09.2022**

*Bhumika*

**(JASGURPREET SINGH PURI)**  
**JUDGE**

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|-------------------------------|--------|
| 1. Whether speaking/reasoned: | Yes    |
| 2. Whether reportable:        | Yes/No |