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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-24399-2018 (O&M)
Date of Decision:23.03.2022

Saleem Ahmad

.. Petitioner

Vs.

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Ravinder Malik, Advocate for the petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana.

...

Manoj Bajaj, J. (Oral)

Petitioner has approached this Court under Section 438 Code of Criminal Procedure to seek anticipatory bail in a case FIR No.119 dated 10.05.2016 registered under Sections 420, 467, 468, 471 and 120-B IPC at Police Station Ladwa, District Kurukshetra, who apprehends his arrest at the hands of Police.

Learned counsel for the petitioner has argued that as per allegations in the FIR, the ownership of the property, which was in the name of Mandir Shiv Narain Mangal, Main Bajaja Bazar, Ladwa, Sub Tehsil Ladwa, District Kurukshetra, was illegally changed by showing co-accused Bharat Bhushan as owner. He submits that the alleged occurrence took place in the year 2016 and the petitioner has no concern with the said office, where allegedly, the pages of the record were changed and his co-accused, namely, Jaipal was custodian of the record. He submits that during the pendency of this petition, the beneficiary (co-accused Bharat Bhushan) has expired and other persons have already been released on bail. He submits

that at that time, petitioner was not even posted in the concerned office i.e. Municipal Committee, Ladwa and was posted at Kurukshetra. He has drawn the attention of the Court to the order dated 10.10.2018, whereby the interim pre arrest bail was extended to the petitioner and submits that pursuant to the said direction, the petitioner has joined the investigation on number of occasions. He further states that the petitioner co-operated during investigation and his custodial interrogation is not necessary. He prays for bail.

Learned State counsel assisted by SI Pardeep has stated that indeed the petitioner has joined the investigation, but according to him, he was actively involved in the commission of crime. He refers to the statement of co-accused Jaipal, who recorded his confession and stated that the two pages of record were changed at the instance of the petitioner, who had paid him Rs.5,000/- for the said act. However, it is not disputed that the alleged illegal change in the record makes the co-accused Bharat Bhushan as beneficiary. It is also not disputed that the other co-accused have been released on bail.

Considering the above background, without meaning any expression of opinion on the merits of the case, the petition is allowed and the order dated 10.10.2018 is made absolute.

23.03.2022
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No