

CRM-M-27165-2022

DECIDED ON:23rd AUGUST, 2022

SATISH KUMAR AND OTHERS

.....PETITIONERS

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Vaibhav Sharma, Advocate
for the petitioners.

Mr. Surender Singh, AAG, Haryana.

Mr. S.S. Khurana, Advocate
for the complainant.

SANDEEP MOUDGIL, J (ORAL)

Instant petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No. 112, dated 10.06.2022, under Sections 420, 448, 323, and 506 read with Section 34 IPC, registered at Police Station Sadar Rewari.

Following order was passed by a co-ordinate Bench of this Court on 22.06.2022 while granting interim protection:-

“ Instant petition has been filed under Section 438 of the Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.112, dated 10.06.2022 under Sections 420, 448, 323 and 506 read with Section 34 of the IPC, registered at Police Station Sadar Rewari.

Learned counsel appearing on behalf of the petitioners inter alia contends that the petitioners had purchased the disputed residential house situated within the old abadi deh (lal dora) of village Bikaner, Tehsil Rewari from one Arvind Kumar Bhardwaj

husband of Kavita Bhardwaj daughter of Matu Ram vide registered sale deed dated 20.11.2021 for a sale consideration of Rs.23.50 lacs. He further contends that pursuant to the sale deed, the electricity connection, installed in the premises which was in the name of Ms. Kavita Bhardwaj deceased wife of the vender of the petitioners, was transferred in favour of the petitioner No.2 being new owner of the house in question. It is argued that eventually three other daughters of said Matu Ram raised a stake against the said property on the basis of an unregistered Will claiming to have been executed by Matu Ram vesting ownership rights of the property in question. As a result thereof, a civil suit was instituted by the petitioners in the Court of Civil Judge (Junior Division), Rewari wherein notice was issued to the defendants i.e. The alleged daughters of Matu Ram. After the notice had been issued, the present complaint has been filed by the complainant Dinesh Kumar, who claimed to have purchased the house in question from the other three daughter of late Matu Ram, who professed to be the owner of the house in question on the strength of an unregistered Will, for a sale consideration of Rs.30,00,000/-. It is contended that no document in relation to the registration of alleged sale deed and the transfer of sale consideration has been placed on record and that the said complainant has stepped in only to harass the petitioners and to take illegal possession of the property, which was duly purchased by the petitioners. He contends that the property being situated within the old abadi deh (lal dora) there was no other document of title except for the fact that actual physical possession of the property was with Arvind Kumar Bhardwaj husband of late Kavita Bhardwaj and the electricity connection was in the name of said Kavita Bhardwaj. He further contends that the dispute pertains with respect to the title and also the validity of the alleged unregistered Will set up by the vendors of the complainant Dinesh Kumar and that the same is in the nature of civil dispute. He further contends that the petitioners are ready and willing to join the investigation as and when called up to do so.

Notice of motion.

Mr. Kanwar Sanjiv Kumar, Asstt. A.G., Haryana, who is present in Court, accepts notice on behalf of respondent-State, and seeks time to complete instructions.

To come up on 17.08.2022 for further consideration.

In the meanwhile, the petitioners are directed to join the investigation within a period of one week from today and upon their doing so, they shall be released on interim bail subject to the satisfaction of the Investigating/Arresting Officer. However, the petitioners will continue to join investigation as and when called upon to do so and will also abide by the terms and conditions as envisaged under Section 438(2) of the Cr.P.C.”

Counsel for the petitioner submits that in pursuance of afore-said order the petitioner has joined the investigation.

The said fact has not been disputed by the counsel for the State.

Learned counsel for the complainant submits that the petitioners had purchased the disputed residential house from the sixth daughter of Matu Ram and under the garb of alleged shame transaction, petitioners have unauthorizedly occupied the said premise.

The issue seems to be civil in nature and the civil suit has already been instituted by the petitioners in the Court of Civil Judge (Junior Division), Rewari wherein notice has been issued to the defendants.

As no custodial interrogation is required, the order dated 22.06.2022 is made absolute.

Accordingly, the present petition is disposed of.

(SANDEEP MOUDGIL)
JUDGE

23rd AUGUST, 2022
sham

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>