

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

CRM-M-27561-2022 (O&M)

Date of Decision: 02.08.2022

RINKU

... PETITIONER

V/S

STATE OF HARYANA

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Shiv Kumar Rana, Advocate for the petitioner.

Mr. Zorawar Singh Chauhan, DAG Haryana.

* * *

VIVEK PURI, J. (ORAL)

CRM-25465-2022

This is an application for placing on record true and correct translated copy of the FIR as Annexure P-1. The same is allowed to be taken on record.

Registry is directed to tag the same at the appropriate place.

Disposed of.

Main case

The petitioner is seeking anticipatory bail in case bearing FIR No.590 dated 10.06.2022 under Sections 323, 354-A, 380, 509 IPC registered at Police Station HTM, District Hisar.

On 28.06.2022, following order was passed:

“Inter alia contends that as per the FIR, the complainant had a rent agreement for the period 20.03.2022 to 18.02.2023 and whereas, the date of the alleged incident has been stated to be 28.02.2022, on which date, even as per the case of the complainant, her tenancy had not started and thus, the question of there being any theft committed in the rented premises of the articles belonging to the

complainant does not arise. It is further submitted that a perusal of the FIR would show that the present petitioner is the owner of the premises in question and the complainant, who is alleging herself to be a tenant, in fact wanted to usurp the house of the petitioner.

Notice of motion for 02.08.2022.

In the meantime, in the event of arrest, the petitioner is ordered to be released on interim bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

Learned State counsel has pointed out that the FIR has not been properly translated.

Learned counsel for the petitioner is directed to produce on record the copy of the FIR duly translated on or before the date fixed.”

Learned counsel for the petitioner contends that in pursuance of the interim directions issued by this Court, the petitioner has joined the investigation.

Learned State counsel, on instructions from L/HC Shakuntla, submits that though the petitioner has joined the investigation, but recovery of stolen property is yet to be effected. Furthermore, the petitioner is also involved in 4 more cases.

Faced with this situation, learned counsel for the petitioner has sought to dispute the fact of theft and consequently, argues that the petitioner is not in possession of any articles allegedly belonging to the complainant. Moreover, in the case bearing FIR No.226 of 2015 under Section 356 IPC registered at Police Station Sadar, Jind, the petitioner has been acquitted.

In case bearing FIR No. 611 of 2022 under Section 379B IPC registered at Police Station HTM, Hisar, the petitioner is on interim bail.

In case bearing FIR No. 336 of 2021 under Section 454 and

380 IPC registered at Police Station HTM, Hisar, the cancellation report has been submitted by the Police.

In case bearing FIR No. 549 of 2021 under Sections 147, 149, 323, 452 and 506 IPC registered at Police Station HTM, Hisar, the petitioner is on bail and the trial is pending.

The controversy as to whether the petitioner has committed any theft in the premises of the complainant will be a debatable and moot point during the course of trial. The petitioner has joined the investigation in pursuance of interim directions issued by this Court.

As such, sufficient exceptional circumstances are made out to extend the concession of pre-arrest bail to the petitioner. The order dated 28.06.2022 is made absolute.

The petition stands allowed.

02.08.2022

Janki

(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No