

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

1. CRM-M-29221-2020 (O&M)

Anil Kumar and another

...Petitioners

Versus

State of Haryana

...Respondent

2. CRM-M-29958-2020 (O&M)

Sanjeev Kumar and another

...Petitioners

Versus

State of Haryana

...Respondent

Date of decision: 04.05.2022

CORAM:- HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Anand Chhibber, Sr. Advocate with
Mr. Yogesh Goel, Advocate
for the petitioners in both petitions.

Mr. Deepak Kumar Grewal, DAG, Haryana.

Mr. N. S. Shekhawat, Sr. Advocate with
Mr. Vishavjeet, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J. (Oral)

This common order shall dispose of above noted two petitions
as they arise out of the same FIR.

Prayer in these petitions, filed under Section 438 Cr.P.C., is for
grant of anticipatory bail to the petitioners in case FIR No. 451 dated
31.08.2020, registered under Sections 323, 452, 506, 34 of the IPC at Police

Station Sector 5, Panchkula.

On 27.10.2020, the following order was passed:

“The petitioners/accused herein are three sons and a daughter-inlaw of the complainant/father, a senior citizen, aged about 75 years. An FIR has been registered on allegations of trespass, threatening and pushing and hitting the complainant in the chest, when all the accused came to meet him at the residence of his daughter in the evening/midnight of 30/31.08.2020. Unfortunate, to say the least, that a father in the evening of his life is driven to take such a drastic step. It must be galling in extreme that the old man has been driven to take such a measure.

Learned senior counsel appearing for the accused sons/daughter-in-law submits that it is a case of complete misunderstanding, caused by miscommunications, at the behest of their sister and brother-in-law which incited their father/complainant to register an FIR. Learned senior counsel argues that a bare narrative of the FIR would reflect that merely on the basis of verbal allegations, which were taken to be gospel, a criminal case has been registered, without making any preliminary inquiry, whatsoever. He submits that given that it is a family matter and tranquillity, peace and pride of entire family is at stake, it was required by the police officials to first make a preliminary enquiry and then register an FIR. He further argues that in fact, FIR has been registered in Panchkula, Haryana at the instance of the brother-in-law (son-in-law of the complainant), who is stated to be a very senior physician working in Government of Haryana. He further argues that the complainant and family resides and belongs to Bathinda, Punjab. Even all the alleged monetary transactions of the properties mentioned in the FIR are from family run Artiya (commission agents) concern and other business of rice mills/shellers at Bhatinda.

The aforesaid parties too are present in the course of

hearing today through video conferencing, in the offices of their respective counsels. After hearing arguments for some time, ultimately it transpires that it is a case of swollen egos on both ends which has led to this unsavoury situation of registration of FIR.

Learned counsel for the complainant/father submits that, all the father wants is, that even if now also his sons and daughter-in-law apologize to him by touching his feet and give an assurance that they will not, in future, indulge in any threatening and/or raising hands on their father, he would let bygones be bygones. Learned counsel also submits that current atmosphere in the family is so tense and fearful that the complainant and his wife do not feel safe to go back to their own house in Bhatinda. All of their belongings, including everyday clothes, jewellery of the complainant's wife is lying at the family house at Bathinda.

Be that as it may, it is least expected of the sons/daughter-in-law to deprive their parents of their belongings. The same shall be provided by the petitioners to them, on their giving a list of their required belongings.

In order to arrive at an amicable quietus to this unpleasant situation and to maintain future family tranquillity and peace, on the joint suggestion of learned counsels, the parties are directed to have a meeting at the office of Mr. Anand Chibber, learned Senior counsel in the presence of their respective counsels. It is expected that the sons and the daughter-in-law, keeping in tune with Hindu family traditions, would seek the blessings of their father by touching his feet which, in any case, is even otherwise, the bounden duty of all the children. The parties are expected to settle the matter amicably in the earnest spirit of give and take and mutual mitigation, before Diwali so that the entire family can enjoy the forthcoming festivities in a cordial atmosphere.

Adjourned to 26.11.2020.

Interim order to continue.”

Thereafter, on the joint request of the parties, the cases were adjourned on different dates to explore the possibility of some amicable settlement, however, it appears that due to strained relations, no settlement could be arrived at between the parties and despite the order dated 07.03.2022, vide which, it was represented on behalf of the petitioners that in terms of the aforesaid order dated 27.10.2020, they are ready to hand over the original documents of the property, no serious efforts have been made.

Learned senior counsel for the complainants submits that the aforesaid order has not been complied with till date.

Learned senior counsel for the complainants further submits that since the complainants are old aged persons, aged more than 75 years, and are residing in H. No. 231, Sector 10, Panchkula, the petitioners/accused are regularly coming outside the house of the complainants on the pretext of morning/evening walk or for any other reason and they are still harassing the complainants, who are their old aged parents.

Learned senior counsel for the complainants further submits that despite the fact that the complainants have already parted away the properties worth Rs. 50 Crore each in favour of their sons/accused, the sons along with their wives are harassing the complainants.

Learned senior counsel for the complainants further submits that the complainants do not object to the confirmation of the anticipatory bail, subject to the condition that Court may ensure their protection against the harassment at the hands of the petitioners and they should be restrained from visiting the complainants' house or the lane where their house, i.e. H.

No. 231, is situated in Sector 10, Panchkula.

However, learned senior counsel for the petitioners have refuted the aforesaid allegations.

After hearing learned counsel for the parties, considering the aforesaid facts and circumstances, the present petitions are allowed and the interim orders, dated 23.09.2020 and 29.09.2020 staying the arrest of the petitioners, are made absolute, subject to the condition envisaged under Section 438 (2) Cr.P.C. with a further condition that none of the petitioners or their wives will ever visit the house or the lane where the house of the complainants is situated.

It is made clear that if in any CCTV footage outside the house of the complainants or in their neighbours' house, the sons of the complainants or their wives, who are petitioners herein, are seen, it will be open for the complainants to apply for cancellation of bail and the bail will be cancelled for violating the condition.

It will be open for the Investigating Officer to call upon the petitioners to join investigation, if so required, by issuing them a written notice in this regard.

A photocopy of this order be placed on the file of other connected case.

04.05.2022

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No