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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-35971-2021 (O&M)
Date of Decision:15.02.2022

Lekh Raj @ Lakkhi

.. Petitioner

Vs.

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Rohtash Kumar Saini, Advocate for the petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana.

None for the complainant.

...

Manoj Bajaj, J. (Oral)

Petitioner has filed this petition under Section 438 Code of Criminal Procedure for grant of anticipatory bail in a case FIR No.280 dated 03.05.2021, registered under Sections 147, 149, 365, 379-B and 506 IPC at Police Station City Hansi, District Hisar. The petitioner apprehends his arrest at the hands of Police, in the above FIR.

The FIR was registered on the statement of complainant Alisher and the allegations as noticed by the Id. Addl. Sessions Judge, Hisar in the order dated 23.08.2021 are as under:

“This case was registered on a complaint made by Alisher son of Baru Mohammad, wherein he alleged that he is taking orchard on lease. Therefore, on 27.04.2021 he alongwith his son Sadik went to Beer farm to file nomination and to participate in the auction of Beer Farm, Hansi. Auction of Beer was left in his favour for a sum of ₹ ₹ 4,02,000/- and he deposited 50,000/- as security. Thereafter, officers and bidders, who participated in the auction, left the spot. Later on, at about 2:00PM when he and his son was present in the orchard, Vikram son of Subhash Chander, Lakhi @ Lucky and Hariya alongwith 3-4 boys came there on motor cycles. They stated that the bid has been left in his favour on lesser side and asked

him to pay a sum of ₹ 1,50,000/- otherwise they will not allow them to enter in the orchard. Thereafter, they forcibly got him seated on the motor cycle and took him to a liquor vend at Sisai Road and snatched 60,000/- which he ₹ tied in his waist and 75,000/- from the right pocket of his shirt. They ₹ also gave him kick and fist blows and ran away from the spot. A request for taking necessary action against the accused was made.”

Learned counsel for the petitioner has argued that the petitioner and complainant are engaged in the business of farming and take orchards on lease by participating in auction. He submits that through the subject FIR, the complainant has falsely implicated the petitioner and on the date of the alleged occurrence, they both had participated in the auction, which ended in favour of the complainant. He further submits that the parties have now entered into a compromise, therefore, the custodial interrogation of the petitioner may not be necessary.

Learned State counsel assisted by ASI Rajiv does not dispute this fact that the parties have entered into a compromise.

Considering the above background and nature of the offence, but without meaning any expression of opinion on the merits of the case, the petition is allowed and in the event of arrest, the petitioner is ordered to be released on bail to the satisfaction of the Arresting Officer/Investigating Officer. However, the petitioner shall continue to 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.

15.02.2022
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No