

211/2 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-35058-2022
DECIDED ON:23rd AUGUST, 2022

ARVIND KUMAR BHARDWAJ

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Rahul Gautam, Advocate
for the petitioner.

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:-

“CRM-28414-2022

Application is allowed, as prayed for.

CRM-M-35058-2022

The petitioner has approached this Court under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail in case FIR No.112 dated 10.06.2022 under Sections 420, 448, 323, 506, 34 of the Indian Penal Code, 1860, registered at Police Station Rewari Sadar, District Rewari. Learned counsel appearing on behalf of the petitioner inter alia contends that the petitioner is

alleged to have sold the disputed residential house situated within the old abadi deh (lal dora) of village Bikaner, Tehsil Rewari to the co-accused vide registered sale deed dated 20.11.2021 for a sale consideration of Rs.23.50 lakhs. He submits that the disputed house fell in the share of his wife Kavita Bhardwaj and the present FIR has been got registered at the behest of his sister-in-laws who have set up title on the said house on the basis of an unregistered Will claimed to have been executed by Matu Ram, their deceased father. It is also pointed out that a civil suit has already been instituted in the Court of Civil Judge (Junior Division), Rewari, wherein notice has been issued to the petitioner and that the present complaint resulting in registration of the FIR is an outcome of the said civil proceedings. He further contends that the offence under Section 448 IPC would not be attracted since the wife of the petitioner is undisputedly a heir of deceased Matu Ram and in any case would have had a title over the property in question and would have been entitled to enter into the said premises. He also contends that qua the property situated in the old abadi deh, there is no other document of title and that possession itself was a proof of title. He further contends that no recovery is to be effected from the petitioner as the case is based on documentary evidence which are already in possession of the Investigating Agency/complainant. It is also urged that the petitioner does not suffer from any criminal antecedents and he is ready and willing to join the investigation as and when required to do so by the Investigating Agency.

Notice of motion.

Mr. Ashish Yadav, Addl. A.G., Haryana, who is present in the Court accepts notice on behalf of the respondent-State. Mr. Sarvjit Singh Khurana, Advocate, appears and accepts notice on behalf of the complainant and files his Memorandum of Appearance, which is taken on record.

To come up for further consideration on 17.08.2022.

*To be heard along with **CRM-M-27165-2022 (Satish Kumar and others Versus State of Haryana).***

In the meanwhile, the petitioner is directed to join investigation as and when so required by the Investigating Agency. In the event of petitioner joining investigation, he shall be admitted to interim bail by the arresting officer/investigating officer on furnishing of bail bonds by him to the satisfaction of the arresting officer/investigating officer. The petitioner shall also abide by the conditions as specified under Section 438(2) 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 petitioner had sold the disputed residential house to co-accused namely Satish Kumar, Vijay Pal and Mantosh and under the garb of said shabby transaction, they are in unauthorized occupation the said premises.

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